
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 21

LAND REFORM

**The Right to Buy Land to Further Sustainable
Development (Applications, Written Requests, Ballots
and Compensation) (Scotland) Regulations 2020**

<i>Made</i>	- - - -	<i>5th February 2020</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>7th February 2020</i>
<i>Coming into force</i>	- -	<i>26th April 2020</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 54(5)(a) and (c), 55(4), 56(9), 57(2) and (8), 67(5) and 68(6) of the Land Reform (Scotland) Act 2016⁽¹⁾ and all other powers enabling them to do so.

PART 1

Introductory

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020 and come into force on 26 April 2020.

(2) In these Regulations—

“the Act” means the Land Reform (Scotland) Act 2016,

“ballot deadline” has the meaning given in regulation 8(3)(b),

“charity number” means the number used by the Office of the Scottish Charity Regulator to identify a charity that is registered on the Scottish Charity Register in accordance with the Charities and Trustee Investment (Scotland) Act 2005⁽²⁾,

⁽¹⁾ 2016 asp 18.

⁽²⁾ 2005 asp 10.

“company number” means the unique number allocated to every company, known as the company’s registered number, in accordance with section 1066 of the Companies Act 2006 (company’s registered numbers)(3),

“Lands Tribunal” means the Lands Tribunal for Scotland,

“Part 5 community body” is to be construed in accordance with section 49(1) of the Act (Part 5 community bodies),

“registered rules” has the meaning given by section 149 of the Co-operative and Community Benefit Societies Act 2014 (interpretation of act)(4),

“registration number” means a number attributed to a community benefit society when it is registered under section 3 of the Co-operative and Community Benefit Societies Act 2014 (registration).

PART 2

Applications under section 54 of the Act

Application for consent of the Scottish Ministers

2. For the purposes of section 54 of the Act (right to buy: application for consent), an application must—

- (a) be made in the form specified in schedule 1, and
- (b) include or be accompanied by information where specified in that form.

Specifications for maps, plans or other drawings relating to land or tenant’s interest

3. A map, plan or other drawing that is referred to in schedule 1 and schedule 2 must—
- (a) be drawn to a metric scale corresponding to a scale used by the Ordnance Survey for that land,
 - (b) be taxative and not demonstrative only,
 - (c) show the compass orientation of north,
 - (d) contain map grid reference numbers and sufficient surrounding details (fences, houses etc.) to enable the position of the land to be fixed accurately,
 - (e) show the boundaries of the land, and
 - (f) where measurements are given, give those measurements to one decimal place.

Manner in which application for consent must be publicly notified

4. The Scottish Ministers must give public notice of an application as required by section 55(3) of the Act (right to buy: application procedure) by way of an advertisement in one or both of the following—

- (a) a digital or paper edition of a newspaper circulating in the area where the community is located,
- (b) a publicly accessible webpage or website maintained by the Scottish Ministers for purposes which include making available for inspection any public notice of an application for consent under this regulation.

(3) 2006 c.46.

(4) 2014 c.14.

PART 3

Written request to an owner or tenant under section 56 of the Act

Written request to an owner or tenant under section 56 of the Act

5. A written request—

- (a) to the owner of the land for the purpose of section 56(3)(a) of the Act (right to buy: Ministers' decision on application), or
- (b) to the tenant for the purpose of section 56(7)(a) of the Act,

must be in the form specified in schedule 2.

Response from the owner of the land

6. A response from the owner of the land to a request sent for the purpose of section 56(3)(a) of the Act must be in the form specified in Part B of schedule 2.

Circumstances in which the owner of the land is taken not to have responded or agreed to the request

7.—(1) The owner of the land is to be taken—

- (a) not to have responded to a request sent for the purpose of section 56(3)(a) of the Act in the circumstances specified in paragraph (2), or
- (b) not to have agreed to a request sent for the purpose of section 56(3)(a) of the Act in the circumstances specified in paragraph (3).

(2) The owner of the land is taken not to have responded to a request if they have not returned Part B of the form in schedule 2 to the Part 5 community body within the period of 6 months beginning on the date of receipt of Part A of the form in schedule 2.

(3) The owner of the land is taken not to have agreed to a request if—

- (a) they have chosen Option 2 or Option 3 in Part B of the form in schedule 2,
- (b) they have chosen Option 1 in Part B of the form in schedule 2, but within the period of 6 months beginning on the date of receipt of Part A of the form in that schedule they have not concluded missives with the Part 5 community body or, as the case may be, the third party purchaser or,
- (c) they have left Part B of the form in schedule 2 blank or spoiled it.

PART 4

Ballot for the purpose of section 57 of the Act

Conduct of ballot

Conduct of ballot

8.—(1) The ballot for the purpose of section 57(1) of the Act (ballot to indicate approval for the purposes of section 56) must be conducted—

- (a) in a fair and reasonable manner, and
- (b) as a secret postal ballot.

(2) The Part 5 community body must ascertain the persons eligible to vote in the ballot, those persons being members of the community as defined for the purposes of section 49(2)(a), (3)(a), (4)(a) or (5)(a) of the Act as the case may be⁽⁵⁾.

(3) The Part 5 community body must send to each person eligible to vote a ballot paper indicating—

- (a) the question on which the vote is being taken,
- (b) the date and time, being not less than 10 days after the date of posting of the ballot paper to the person, by which the ballot must be returned (“ballot deadline”), and
- (c) the information specified in paragraph (4).

(4) The Part 5 community body must send to each person eligible to vote—

- (a) a description of—
 - (i) the land subject to an application under section 54 of the Act, or
 - (ii) the land to which the tenant’s interest subject to an application under section 54 relates,
- (b) details of any rights or interests in respect of an owner, creditor, third party and, where the ballot is in respect of the proposed purchase of a tenant’s interest, the tenant,
- (c) a description of the Part 5 community body’s proposals for the land or, where the application is in respect of a tenant’s interest, the land to which the tenant’s interest relates,
- (d) details of how further information may be obtained on the Part 5 community body’s proposals for the land or, where the application is in respect of a tenant’s interest, the land to which the tenant’s interest relates, and other matters relating to the ballot,
- (e) the name of any proposed third party purchaser, if applicable,
- (f) the name of the Part 5 community body, as it appears in the Part 5 community body’s memorandum and articles of association (or as adopted by a resolution of its members), constitution or registered rules, and
- (g) the Part 5 community body’s contact details, including a contact name, postal address, email address and telephone number.

(5) The Part 5 community body must provide each person eligible to vote with a stamped addressed envelope for returning the completed ballot paper.

Proxy votes

9.—(1) A person eligible to vote in the ballot may make a request to the Part 5 community body to be permitted a proxy vote.

(2) The request under paragraph (1) must be made in writing and must—

- (a) state the name and address of the eligible voter,
- (b) state the name and address of another person who is eligible to vote whom the eligible voter wishes to appoint as a proxy voter,
- (c) be signed by the eligible voter who is appointing the proxy voter,
- (d) contain a statement confirming that the eligible voter has consulted the proxy and that the proxy is capable and willing to act as a proxy voter, and
- (e) be received by the Part 5 community body not later than 1700 hours on the day before the ballot deadline.

(5) Section 49(9) of the Act sets out how a community is defined for the purposes of section 49(2)(a), (3)(a), (4)(a) or (5)(a) of the Act.

(3) The Part 5 community body must permit the proxy vote if the request is made in accordance with this regulation.

Ballot result

Observer of ballot result

10.—(1) Before sending the ballot papers in accordance with regulation 8(3), the Part 5 community body must appoint an observer to oversee, in person—

- (a) the opening and counting of the votes made on the completed ballot papers, and
 - (b) the recording of the result.
- (2) The observer must—
- (a) be an individual who is independent of the Part 5 community body, and
 - (b) sign a declaration in the form specified in schedule 4 confirming that the person oversaw, in person, the opening and counting of the votes made on the completed ballot papers and the recording of the ballot result.

Publication of ballot result

11.—(1) The Part 5 community body must, within the period of 14 days beginning on the date of the ballot deadline, publish the result of the ballot in the form and manner provided for in paragraphs (2) and (3).

- (2) The result of the ballot must—
- (a) be published in the form specified in schedule 3, and
 - (b) include or be accompanied by information where specified in that schedule.
- (3) The result of the ballot must be published—
- (a) in a digital or paper edition of a newspaper circulating in the area where the community is located, and
 - (b) on any publicly accessible webpage or website that is operated by or on behalf of the Part 5 community body, if such a webpage or website exists.

Form of return to the Scottish Ministers of the ballot result

12. For the purposes of section 57(5) of the Act, a return to the Scottish Ministers notifying the matters mentioned in section 57(5)(a) to (d) must be in the form specified in schedule 4.

Requirement to retain and share ballot information

Retention and provision of information by the Part 5 community body

13.—(1) For the purposes of complying with section 57(6) of the Act, the Part 5 community body must retain the information specified in paragraph (2) for a period of 2 years after the ballot deadline.

- (2) The information referred to in paragraph (1) is—
- (a) evidence that regulation 8 was complied with including a copy of all information provided to eligible voters in advance of the ballot in accordance with regulation 8(3) and (4),
 - (b) all requests for a proxy vote under regulation 9,
 - (c) a record of the proxy votes permitted under regulation 9, and
 - (d) all completed and returned ballot papers.

Reimbursement of expense of conducting a ballot

Application for reimbursement

14.—(1) A Part 5 community body may apply to the Scottish Ministers for reimbursement of the expense of conducting a ballot under section 57 of the Act.

(2) An application under paragraph (1) may only be made on or after the date that the associated application was made under section 54 of the Act and must be made no later than the date determined in accordance with paragraph (3) or (4).

(3) If the Part 5 community body is refused consent to exercise a right to buy under section 54 of the Act, the date is the earlier of—

- (a) the day after the expiry of the time period specified in section 69(7) (appeals to the sheriff) of the Act for lodging an appeal against the decision on an application under section 54 of the Act, if no appeal is lodged within that period,
- (b) the day on which the sheriff issues a decision in an appeal under section 69(3) of the Act, that the Part 5 community body is not given consent to exercise the right to buy under section 54 of the Act.

(4) If the Part 5 community body is given consent to exercise a right to buy under section 54 of the Act, the date is the earliest of—

- (a) the day on which the sheriff issues a decision in an appeal under section 69(1), (2), (5) or (6) of the Act, that the Part 5 community body is not given consent to exercise the right to buy under section 54 of the Act,
- (b) the expiry of the period—
 - (i) specified in section 62(1) of the Act, or
 - (ii) where an application under section 54 nominated a third party purchaser, section 62(2) of the Act,

but only if the Part 5 community body did not, within that period, notify the Scottish Ministers, the owner of the land and, where the application is to buy a tenant's interest, the tenant, of its intention to proceed to buy the land or, as the case may be, the tenant's interest,

- (c) the date of notice of withdrawal of the application—
 - (i) under section 62(3)(a) of the Act where an application does not nominate a third party purchaser, or
 - (ii) under section 62(4)(a) of the Act where an application nominates a third party purchaser,
- (d) the date of the notice of withdrawal of the confirmation of intention to proceed—
 - (i) under section 62(3)(b) of the Act where an application does not nominate a third party purchaser, or
 - (ii) under section 62(4)(b) of the Act where an application nominates a third party purchaser,
- (e) the date on which the Part 5 community body's or, as the case may be, the third party purchaser's confirmation of intention to proceed made under section 62 is treated as withdrawn under section 64(7) of the Act, or
- (f) the date on which the transfer is completed under section 64 of the Act.

Information to be included in application for reimbursement

15.—(1) An application under regulation 14(1) must include the following information—

- (a) the name of the Part 5 community body, as it appears in the body's memorandum and articles of association (or as adopted by a resolution of its members), constitution or registered rules,
 - (b) the Part 5 community body's company number, charity number or registration number,
 - (c) the Part 5 community body's contact details, including a contact name, postal address, email address and telephone number,
 - (d) the date on which the Part 5 community body made its application under section 54 of the Act,
 - (e) the ballot deadline,
 - (f) the question on which the vote was taken,
 - (g) details of the Part 5 community body's bank account into which the amount of any reimbursement is to be paid, and
 - (h) a statement, in accordance with paragraph (2), setting out all costs that were incurred in conducting the ballot.
- (2) For each cost the Part 5 community body must provide—
- (a) the date on which the cost was incurred,
 - (b) a brief description of the goods or services to which the cost relates,
 - (c) evidence that the cost was incurred in conducting the ballot, and
 - (d) the date on which the goods or services to which the cost relates were provided.
- (3) The Part 5 community body may include with its application any other information that it considers to be relevant.

Request for further information before making decision

16.—(1) Within the period of 30 days beginning on the date on which the Scottish Ministers receive an application under regulation 14(1), they may request from the Part 5 community body any further information that the Scottish Ministers consider to be necessary for the purpose of making a decision under regulation 17(1).

(2) No later than the expiry of the period of 7 days beginning on the date on which the Part 5 community body receives a request under paragraph (1), it must respond by—

- (a) providing the requested information, or
- (b) explaining why the information cannot be provided.

Decision of the Scottish Ministers on application for reimbursement

17.—(1) No later than the expiry of the period of 60 days beginning on the date on which the Scottish Ministers receive an application under regulation 14(1), they must—

- (a) calculate the amount to be reimbursed, if any, by—
 - (i) calculating the claimed expense of conducting the ballot in accordance with paragraphs (2) and (3), and
 - (ii) subtracting from that amount any expense that they consider not to have been reasonably incurred in the conduct of the ballot,
- (b) notify the Part 5 community body in writing of the amount calculated under sub-paragraph (a) and the reasons for any decisions made in the course of making that calculation, and

- (c) pay to the Part 5 community body the amount calculated under sub-paragraph (a), if it is an amount greater than zero.
- (2) When calculating the expense of conducting the ballot, the Scottish Ministers must disregard any cost, or part thereof, identified in the application that they consider to be—
 - (a) directly attributable to activities other than those specified in regulation 8, 9 and 10, or
 - (b) incurred retrospectively.
- (3) For the purpose of paragraph (2)(b), an expense is incurred retrospectively if it is incurred after the provision of the goods or services to which it relates, where those goods or services were originally provided on a no-cost basis.

Appeal against the Scottish Ministers' decision under regulation 17

- 18.**—(1) A Part 5 community body has a right of appeal to the Lands Tribunal against a decision of the Scottish Ministers under regulation 17.
- (2) An appeal under paragraph (1) must be lodged within the period of 28 days beginning on the date three days after the day on which the notice of the decision is sent to the Part 5 community body.
- (3) The Lands Tribunal may, after making its own assessment in accordance with regulation 17 of the amount, if any, to be reimbursed, make an order requiring the Scottish Ministers to reimburse a specified amount of expense to the Part 5 community body.
- (4) There is no right of appeal of a decision of the Lands Tribunal made under this regulation.

PART 5

Compensation

Procedure for claiming compensation

- 19.**—(1) A claim under section 67(1) or 67(2)(b) of the Act must be submitted to the Part 5 community body which is liable to pay the compensation, at the registered office or official address of that body.
- (2) A claim under section 67(2)(a) of the Act must be submitted to the third party purchaser which is liable to pay the compensation, at the address specified in the application form provided for in schedule 1.
- (3) A claim under section 67(4) of the Act must be submitted to the Scottish Ministers.
- (4) A claim under section 67(1) or 67(2) of the Act must be submitted within the period of 90 days beginning, as the case may be, on—
- (a) the final settlement date within the meaning of section 64(2) to (4) of the Act,
 - (b) the date that the notice in writing to the Scottish Ministers that the Part 5 community body has withdrawn its application or withdrawn the confirmation of its intention to proceed with the purchase under section 62(3) of the Act is received,
 - (c) the date that the notice in writing to the Scottish Ministers that—
 - (i) the Part 5 community body has withdrawn its application or,
 - (ii) the Part 5 community body or the nominated third party purchaser has withdrawn the confirmation of intention to proceed,under section 62(4) of the Act, or

- (d) the date on which the Part 5 community body's or the third party purchaser's confirmation of intention to proceed made under section 62 of the Act is treated as withdrawn under section 64(7) of the Act.
- (5) A claim under section 67(4) of the Act must be submitted within the period of 90 days beginning on the date of notification under section 60(1) (b), (c), (d) or (e) of the Act (notification of Ministers' decision on application) of the refusal by the Scottish Ministers to grant the Part 5 community body's application made under section 54 of the Act.
- (6) A claim mentioned in paragraph (1), (2) or (3) must—
 - (a) specify under which paragraph of section 67(1) or 67(2) of the Act the loss or expense falls and, where applicable, which sub-paragraph of section 67(2)(a), and
 - (b) be fully vouched by supporting documentation.
- (7) For the purposes of section 67(6) of the Act, the period of time fixed is 60 days beginning on the date that the claim for compensation was received.

Grant towards liability for compensation

- 20.**—(1) An application for a grant under section 68 of the Act (grants towards liabilities to pay compensation) must—
- (a) be in the form specified in schedule 5, and
 - (b) include or be accompanied by information where specified in that schedule.
- (2) An application for a grant under section 68 of the Act must be submitted to the Scottish Ministers within the period of 90 days beginning on—
- (a) the date on which the Part 5 community body or third party purchaser and the claimant agreed the amount of compensation payable, or
 - (b) the date on which the Lands Tribunal determined a question referred to it under section 67(6) of the Act as to the amount, if any, of compensation payable.
- (3) The Scottish Ministers must—
- (a) acknowledge receipt of an application for a grant made in accordance with paragraphs (1) and (2) within the period of 7 days beginning on the date that they receive it, and
 - (b) issue their decision on that application within the period of 28 days beginning on the date that they receive it.

St Andrew's House,
Edinburgh
5th February 2020

ROSEANNA CUNNINGHAM
A member of the Scottish Government

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SCHEDULE 1

Regulations 2 and 3

APPLICATION FOR CONSENT TO EXERCISE RIGHT TO BUY

Official Use	
Code	APP
Received Date	



Land Reform (Scotland) Act 2016: Part 5 Right to Buy Land to Further Sustainable Development

Section 54(5)(a) and (c) of the Land Reform (Scotland) Act 2016

Application by a Part 5 Community Body for Consent to Exercise the Right to Buy Land to Further Sustainable Development

Notes:

1. This form is to be used by a Part 5 community body applying for consent to exercise the right to buy under Part 5 of the Land Reform (Scotland) Act 2016 ("the Act"). This form may be used to apply for consent to exercise a right to buy land or a tenant's interest. If applying to acquire both land and a tenant's interest you must complete separate forms.
2. Only a Part 5 community body within the meaning of section 49 of the Act is entitled to make this application. Note that under subsection 49(7) of the Act, a body can only be regarded as a Part 5 community body once the Scottish Ministers have given it written confirmation that they, the Scottish Ministers, are satisfied that the body's main purpose is consistent with furthering the achievement of sustainable development.
3. Before making this application, a Part 5 community body must have conducted a ballot in accordance with section 57 of the Act. The ballot must have been conducted during the period of 6 months which immediately preceded the date on which this application is made.
4. Before making this application, a Part 5 community body must have submitted a written request to the owner of the land to transfer the land to the community body or, as the case may be, to a third party purchaser using the form specified in schedule 2 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020. Where the application relates to a tenant's interest, a Part 5 community body must have submitted a written request to the tenant to assign the tenant's interest to the community body or, as the case may be, to a third party purchaser, using the form in schedule 2 of those Regulations. The request must have been made before the period of 6 months ending on the day on which the application is made.
5. You may print this form and complete it manually or you may download it and complete it electronically.
6. If you complete the form manually, you must do so using black or blue ink and capital letters.
7. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please –
 - o indicate on the form where any answer is given or continued on a separate sheet,

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- indicate on each separate sheet the question number(s) to which the sheet relates.
8. For more information and guidance on the right to buy for sustainable development please visit www.gov.scot and search for "right to buy".
9. You may submit the completed form and attached documents -
- electronically to crtb@gov.scot, or
 - by post to Community Land Team, Q Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

SECTION 1 — WHO IS APPLYING

1.1 Please provide the name of the Part 5 community body ("CB") applying for consent to exercise a right to buy for sustainable development.

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SECTION 2 — DETAILS OF WHO IS APPLYING

2.1 Please supply details of the registered or principal office of the CB.

Postal Address:	
Town:	
County:	
Country:	
Postcode:	
E-mail:	

2.2 Please supply the address the CB wishes correspondence in relation to the right to buy process to be issued to.

Contact Name:	
Postal Address:	
Town:	
County:	
Country:	
Postcode:	
Telephone:	
Email:	

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2.3 Please mark an "X" in the relevant box to confirm the type of CB and enter its official number.

- Company Limited by Guarantee (CLBG) and its company number is:
- Scottish Charitable Incorporated Organisation (SCIO) and its charity number is:
- Community Benefit Society (BenCom) and its registration number is:
- A body corporate having a written constitution and its official number is:
- If your CB has nominated a third party purchaser, please also tick this box and confirm the name and address of the third party, as well as its status (e.g. charity, public body, private firm), and its relationship to the CB.

<p>Name of Third Party Purchaser:</p> <p>Postal Address:</p> <p>Town:</p> <p>County:</p> <p>Country:</p> <p>Postcode:</p> <p>Telephone:</p> <p>Email:</p> <p>Status:</p> <p>Relationship to CB:</p>
--

- This application must be accompanied by a copy of the CB's governing documents (i.e. articles of association, constitution or registered rules) and evidence of the company, charity or registration number (e.g. its official number). Please mark an "X" confirming that such a copy and evidence accompanies this application.

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- 2.4** Please provide the definition of the community as set out in the CB's governing document in accordance with section 49(2)(a), 49(3)(a), 49(4)(a), or 49(5)(a) of the Act, as the case may be.

- 2.5** This application must be accompanied by one or more maps or drawings which:
- (a) is/are prepared to the specifications referred to in regulation 3 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020, and
 - (b) describe(s) the area of the community to which the CB relates.

Please confirm the total number of such maps, plans or other drawings relating to the community area which accompany this application.

- 2.6** Please provide:

(A) The total number of members in the CB.

(B) A breakdown of the total number of each type(s) of membership as stated in the CB's governing document (i.e. articles of association, constitution or registered rules).

(C) The membership details (i.e. name, address and membership type of each of the CB's members).

SECTION 3 — THE LAND IN RESPECT OF WHICH THE RIGHT TO BUY IS SOUGHT TO BE EXERCISED

Please confirm whether this application is in respect of land ("land" includes mineral rights or salmon fishings) or a tenant's interest over land by ticking the appropriate box:

- Land ("land" includes mineral rights or salmon fishings)
- Tenant's interest

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If applying to buy a tenant's interest please do not complete section 3A below and complete section 3B instead.

SECTION 3A — THE LAND IN RESPECT OF WHICH THE RIGHT TO BUY IS SOUGHT TO BE EXERCISED

3A.1 If this application is seeking to purchase salmon fishings or mineral rights, please tick this box to confirm that a separate application in respect of the land to which the salmon fishings or mineral rights relate has or is simultaneously being made, or that this application is being submitted during the relevant period as defined under section 47(3) of the Act.

3A.2 Please mark an "X" in the relevant box(es) to indicate the type(s) of land to which this application relates.

- | | | | |
|-------------------|--------------------------|-------------------|--------------------------|
| Buildings | <input type="checkbox"/> | Mineral rights | <input type="checkbox"/> |
| Woodland | <input type="checkbox"/> | Brown field site | <input type="checkbox"/> |
| Water | <input type="checkbox"/> | Farm/grazing land | <input type="checkbox"/> |
| Industrial site | <input type="checkbox"/> | Salmon fishings | <input type="checkbox"/> |
| Recreational land | <input type="checkbox"/> | Foreshore | <input type="checkbox"/> |

Other (please specify):

3A.3 What is the estimated total area of the land?

3A.4 What land register county is the land located in?

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3A.5 Please provide a written description of the land to which this application relates (e.g. the location of such land; postcodes covering the land; the condition of the land; its northern, southern, eastern and western boundaries and measurements, if applicable).

3A.6 This application must be accompanied by one or more maps or drawings, which:

- (a) is/are prepared to the specifications referred to in regulation 3 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020, and
- (b) describe(s) the land to which this application relates.

Please confirm the total number of such maps, plans or other drawings which accompany this application.

3A.7 Please mark an “X” in one box which you consider best describes the community's connection to the land in relation to which this application is made.

- A significant number of the members of the community have a connection with the land.
- The land is sufficiently near to land with which those members of the community have a connection.
- The land is in, or is sufficiently near to, the area of the community (the community being the community as defined in response to question 2.4).

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Please provide details to explain why the relevant box has been marked with an "X" above.

3A.8 Please describe what the land is currently used for.

3A.9 Please confirm whether the land, or any part of the land, has been officially designated (for example, as internationally important wetlands or an area of special scientific interest) and, if so, please confirm the type of designation.

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SECTION 3B — THE TENANT'S INTEREST IN RESPECT OF WHICH THE RIGHT TO BUY IS SOUGHT TO BE EXERCISED

3B.1 Please tick this box to confirm that a separate application in respect of the land to which the tenant's interest relates has or is simultaneously being made, or that the conditions under section 48(5) of the Act have been met.

3B.2 Please mark an "X" in the relevant box(es) to indicate the type(s) of land covered by the tenancy to which this application relates.

- | | | | |
|-------------------|--------------------------|-------------------|--------------------------|
| Buildings | <input type="checkbox"/> | Mineral rights | <input type="checkbox"/> |
| Woodland | <input type="checkbox"/> | Brown field site | <input type="checkbox"/> |
| Water | <input type="checkbox"/> | Farm/grazing land | <input type="checkbox"/> |
| Industrial site | <input type="checkbox"/> | Salmon fishings | <input type="checkbox"/> |
| Recreational land | <input type="checkbox"/> | Foreshore | <input type="checkbox"/> |

Other (please specify):

3B.3 What is the estimated total area of the land covered by the tenancy?

3B.4 What land register county is the land covered by the tenancy located in?

3B.5 Please provide a written description of the land covered by the tenancy to which this application relates (e.g. the location of such land; postcodes covering the land; the condition of the land; its northern, southern, eastern and western boundaries and measurements, if applicable).

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3B.6 This application must be accompanied by one or more maps or drawings, which:

- (a) is/are prepared to the specifications referred to in regulation 3 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020, and
- (b) describe(s) the land covered by the tenancy to which this application relates.

Please confirm the total number of such maps, plans or other drawings which accompany this application.

3B.7 Please mark an "X" in one box which you consider best describes the community's connection to the land covered by the tenancy in relation to which this application is made.

- A significant number of the members of the community have a connection with the land.
- The land is sufficiently near to land with which those members of the community have a connection.
- The land is in or sufficiently near to the area of the community (the community being the community as defined in response to question 2.4).

Please provide details to explain why the relevant box has been marked with an "X" above.

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3B.8 Please describe what the land to which the tenancy relates is currently used for.

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3B.9 Please confirm whether the land to which the tenancy relates, or any part of that land, has been officially designated (for example, as internationally important wetlands or an area of special scientific interest) and, if so, please confirm the type of designation.

--

SECTION 4 — OWNER/TENANT & INTERESTS

4.1 Please provide the contact details of the owner of the land to which this application relates.

<p>Contact Name:</p> <p>Postal Address:</p> <p>Town:</p> <p>County:</p> <p>Country:</p> <p>Postcode:</p> <p>Company No. (If applicable):</p> <p>E-mail:</p>	
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4.2 If the owner has an agent or representative, please provide their contact details.

Contact Name:	
Postal Address:	
Town:	
County:	
Country:	
Postcode:	
Company No. (If applicable):	
E-mail:	

4.3 If there is more than one owner (e.g. the land is in joint or common ownership between a number of owners), then please provide the contact details for the other owner(s), using a separate sheet if necessary.

--

4.4 If this application is in respect of a tenant's interest, please provide the contact information for the tenant whose interest in the tenancy this application relates.

Contact Name:	
Postal Address:	
Town:	
County:	
Country:	
Postcode:	
Company No. (If applicable)	
E-mail:	

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4.5 If there is more than one tenant (e.g. the tenancy is held jointly between more than one tenant), then please provide the contact details for the other tenant(s), using a separate sheet if necessary.

4.6 Please confirm the checks carried out (including by whom and when) to establish who owns the land to which this application relates or who is the tenant having the interest to which this application relates and whether there are any creditors in a standard security with a right to sell the land or the tenant's interest.

4.7 Please indicate, by ticking "Yes" or "No", whether you are aware of the existence of either of the matters listed. You may disregard any obligation that would be suspended, once the application is made, by regulation 11 of the Right to Buy Land to Further Sustainable Development (Eligible Land, Specified Types of Area and Restrictions on Transfers, Assignations and Dealing) (Scotland) Regulations 2020.

An enforceable personal obligation on the owner of the land to sell it to someone else or, if the application is in respect of a tenant's interest, an enforceable personal obligation on the tenant of the land to assign the tenancy to someone else:

YES **NO**

Anything else preventing the owner of the land from selling it or, if the application is in respect of a tenant's interest, anything else preventing the tenant from assigning the tenancy:

YES **NO**

If you ticked "Yes" for either matter listed at 4.7, please provide details for each matter, using a separate sheet if necessary. You should attach evidence to support any matters you raise where possible.

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4.8 If this application is for the purchase of land, please indicate by ticking "Yes" or "No" whether there are any tenancies in relation to the land or any part of it.

YES NO

If you ticked "Yes" at 4.8, please provide details for each tenancy, using a separate sheet if necessary, but based on the following details.

Name of Tenant(s): Contact Name (if different): Postal Address: Town: County: Country: Postcode: E-mail:	
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4.9 Please indicate, by ticking "Yes" or "No", whether there are any standard securities in relation to the land, any part of it or, in relation to a tenancy over the land or any part of it.

YES NO

If you ticked "Yes" at 4.9, please provide details for each standard security, using a separate sheet if necessary but based on the following details.

Name of Creditor holding security: Contact Name (if different): Postal Address: Town: County: Country: Postcode: E-mail: Details of standard security:	
---	--

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4.10 Please indicate, by ticking "Yes" or "No" for each of the planning rights or interests known to the CB, whether that right or interest applies to the land or to any part of it or, in relation to a tenancy over the land, or any part of it.

- | | | | | |
|---|------------|--------------------------|-----------|--------------------------|
| Planning permission applied for (by any person) but not yet granted | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| Planning permission granted but not yet fully utilised | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| Suitable for development under the local development plan | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| Subject to a compulsory purchase order | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| Any other restriction on the use of the land | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |

4.11 If you ticked "Yes" for any of the rights or interests listed at 4.10 please give details.

--

4.12 Please indicate, by ticking "Yes" or "No", whether you know of any other existing rights or interests in the land or any part of it, or a tenancy over the land or any part of it.

YES **NO**

4.13 If you ticked "Yes" at 4.12, please provide details of the holder of each right or interest, using a separate sheet if necessary.

<p>Name of Person Holding Interest:</p> <p>Contact Name (if different):</p> <p>Postal Address:</p> <p>Town:</p> <p>County:</p> <p>Country:</p> <p>Postcode:</p> <p>E-mail:</p> <p>Nature of Right or Interest:</p>	
--	--

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4.14 Where possible, please attach at least one map or drawing that shows the location of the rights and interests identified under this section (4.1 – 4.13) in relation to the land.

Please confirm the total number of such maps, plans or other drawings which accompany this application.

If you are aware of rights and interests but are not able to show them via drawings or maps, please explain why this is.

SECTION 5 — COMMUNITY SUPPORT

5.1 Please indicate, by ticking the appropriate box how the ballot result is being / has been notified to the Scottish Ministers. **You must select one option.**

Ballot results attached to application

Ballot results already notified to Ministers

Please note that the ballot result must be/have been notified to Ministers in the form specified in regulation 12 of the Right to Buy Land for Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020.

If you indicated at 5.1 that the ballot result has already been notified to the Scottish Ministers, please give the date of notification.

SECTION 6 — STEPS TAKEN TO BUY LAND

6.1 Please provide the date when the CB sent the request for the transfer of the land to the owner or, where the application is to buy a tenant's interest, the date when the CB sent the request for the tenant to assign their interest using the official form provided in Part A of schedule 2 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests to Owner and Tenant, Ballots and Compensation) (Scotland) Regulations 2020. Please include copies of the form sent to the owner of the land or the form sent to the tenant as well as any other correspondence in relation to this including, in particular, any response from the land owner made

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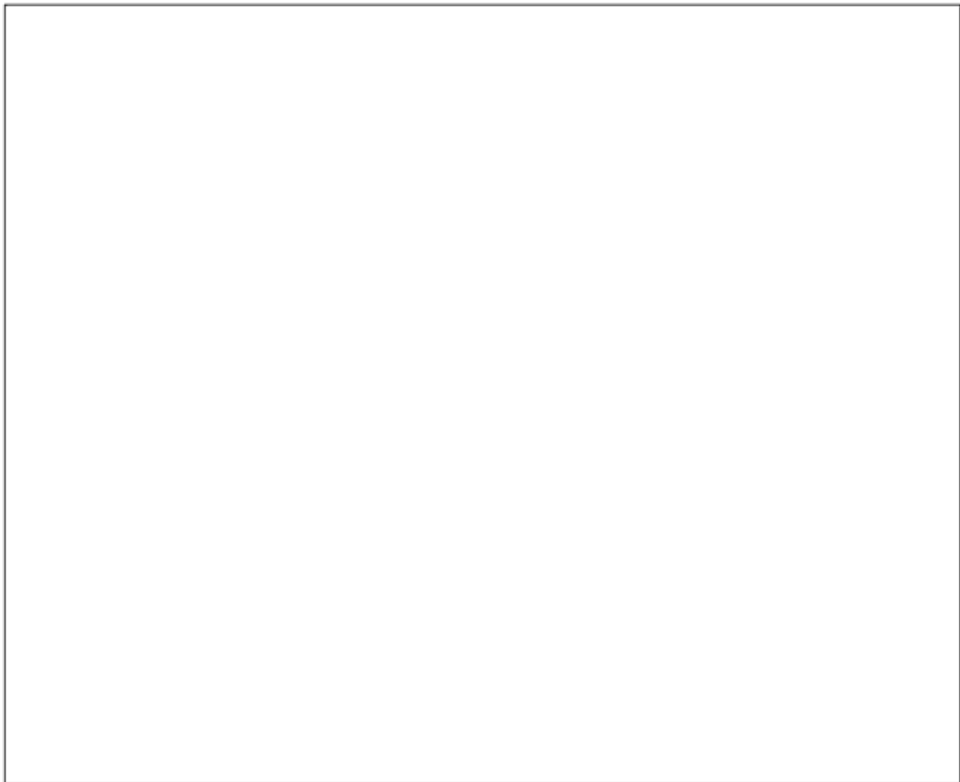
using the official form provided for in Part B of schedule 2 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020.

<p>Offer Date:</p> <p>Terms (including amount offered and conditions:</p> <p>Land owner response to offer:</p>
--

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SECTION 7 — PROPOSALS FOR THE LAND

7.1 Please explain how the CB proposes to use, develop and manage the land to which this application relates or, if you're applying for the right to buy a tenant's interest, the land to which the tenant's interest relates.

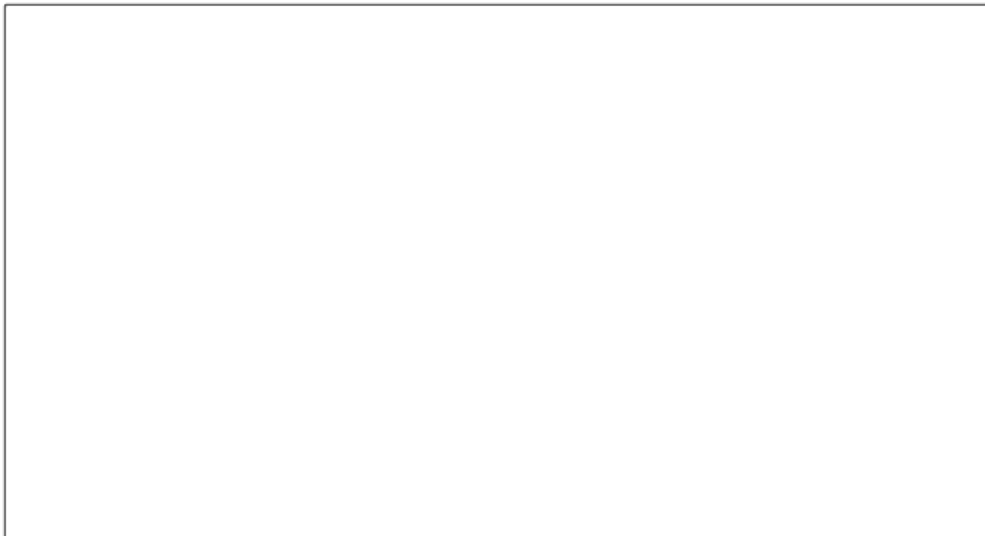


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7.2 Please explain why the transfer of the land or, if applicable, the tenant's interest, is likely to further the achievement of sustainable development in relation to the land.



7.3 Please explain why you believe that the transfer of the land or, if this is application is in respect of a tenant's interest, transfer of the tenant's interest is in the public interest.



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7.4 Please explain how the transfer of land or, if this application is in respect of a tenant's interest, the transfer of the tenant's interest is likely to result in significant benefit to members of the community to which the Part 5 CB relates.

7.5 Is the transfer of the land or, if this application is in respect of a tenant's interest, the assignation of the tenant's interest, the only practicable, or the most practicable, way of achieving the significant benefit referred to in question 7.4?

YES **NO**

7.6 If you answered "yes" to question 7.5, please explain why the transfer of land or the assignation of the tenant's interest is the only practicable, or the most practicable, way of achieving a significant benefit to members of the community to which the CB relates?

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7.7 Please say why not granting consent to the transfer of land, or if applicable, to the assignation of the tenant's interest, would be likely to result in harm to the community to which the CB relates.

*The Scottish Ministers cannot grant a Part 5 transfer of land or an assignation of a tenant's interest unless they are satisfied that not granting consent for the transfer is likely to result in harm to the community.

7.8 Please use the space below to tell us about any further information that you believe is relevant in support of your application.

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- We, the undersigned, have been authorised by the CB to provide the information in this form, the proposals detailed within it and any supporting documents.
- The CB understands that, if it makes any inaccurate statements or provides inaccurate information (deliberate or accidental) at any stage during the right to buy process, or if it knowingly withholds any information, this could result in Scottish Ministers deciding not to consent to the exercise of the right to buy.
- The CB has not altered or deleted the original wording of this form.
- The CB understands that this form requires each signatory (2 board members, charity trustees or committee members) to this form to provide his/her full names and home address for the purposes of prevention and detection of fraud.
- The CB confirms that it is a community body within the requirements of section 49 of the Land Reform (Scotland) Act 2016.
- The CB understands that this form and supporting documents may appear in the Register of Applications by Community Bodies to Buy Land.
- We, the undersigned, understand that all or part of the information contained in this form and all information related to this application, may be publicly available via the Register of Applications by Community Bodies to Buy Land.
- We, the undersigned, have read and understand the terms of this declaration.

We, the undersigned on behalf of the CB specified in section 1, apply for consent to exercise the right to buy land under Part 5 of the Act.	
Name	
Address	
Date	
Position	
Signature
Name	
Address	
Date	
Position	
Signature

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Where a third party purchaser has been appointed, please have the third party purchaser or, where the third party purchaser is an organisation, two representatives on behalf of the third party purchaser, complete the following declaration:

I/We, the undersigned on behalf of the third party purchaser specified in at section 2.3, confirm that I/we consent to the foregoing application under Part 5 of the Act.	
Name	
Address	
Date	
Position
Signature
Name	
Address	
Date	
Position
Signature

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SCHEDULE 2

Regulations 3, 5, 6 and 7

FORM OF WRITTEN REQUEST TO OWNER OF THE LAND OR
TENANT WITH TENANT'S INTEREST AND RESPONSE FROM OWNER



Land Reform (Scotland) Act 2016: Part 5 Right to Buy Land to
Further Sustainable Development
Section 56(9)(a) and (b) of the Land Reform (Scotland) Act 2016
Form of Written Request to Owner of the Land or Tenant with
Tenant's Interest and Response from Owner

Notes:

1. **Part A** of this form is to be used by a Part 5 community body writing to:
 - an owner of land requesting the transfer of ownership of that land to the Part 5 community body or, as the case may be, to a third party purchaser or,
 - a tenant requesting the assignation of the tenant's interest to the Part 5 community body or, as the case may be, to a third party purchaser,under Part 5 of the Land Reform (Scotland) Act 2016 ("the Act"). Please note that separate forms are required to be used if requesting a transfer of land and any associated tenant's interest.
2. **Part B** of this form is to be used by a land owner if they choose to respond to the Part 5 community body's request under Part A. Please note that a community body will be able to proceed with an application under Part 5 of the Act if:
 - a land owner does not respond using the form in Part B of this schedule within 6 months of the date of receipt,
 - a land owner responds using the form in Part B of this schedule but does not agree to the request, or
 - a land owner agrees to the request using the form in Part B of this schedule but within the period of 6 months of having received the form in Part A of this schedule they have not concluded missives with the community body or, as the case may be, third party purchaser.
3. Community bodies and land owners may choose to correspond outwith this form, however such correspondence will not be considered by the Scottish Ministers to be either a request or a response for the purposes of the right to buy under Part 5 of the Act.
4. You may print this form and complete it manually or you may download it and complete it electronically.

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5. If you complete the form manually, you must do so using black or blue ink and capital letters.
6. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please –
 - indicate on the form where any answer is given or continued on a separate sheet,
 - indicate on each separate sheet the question number(s) to which the sheet relates.
7. For more information and guidance on the right to buy for sustainable development please visit www.gov.scot and search for “right to buy”.

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PART A – REQUEST TO OWNER OR TENANT UNDER PART 5 OF THE LAND REFORM (SCOTLAND) ACT 2016

Part A of this form contains a request by a Part 5 community body (“community body”) to a land owner or tenant requesting that the land owner or tenant transfer their ownership or assign their tenancy to the community body.

1. Name, registered or principal address and contact details for the community body:

Name:
Postal address:
Town:
County:
Country:
Postcode:

2. The name, registered or principal address and contact details for a proposed third party purchaser, if applicable:

Name:
Postal address:
Town:
County:
Country:
Postcode:
Email address:

3. Tick this box to confirm that the community body has received written confirmation from Scottish Ministers under section 49(7) of the Act.

4. Address and description of –

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- the land the community body wishes to acquire, or
- the land relevant to the tenant's interest that the community body wishes to acquire.

Address:
Description:

5. Please include one or more maps or drawings which:

- (a) is/are prepared to the specifications referred to in regulation 3 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) Regulations 2020,
- (b) describe(s) the land which the community body wishes to acquire or the land to which the tenant's interest relates which the community body wishes to acquire.

Please confirm the total number of such maps, plans or other drawings which accompany this request.

6. Description of what the community body plan to do with the land or, with the land to which the tenant's interest relates, if acquired.

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7. Proposed terms of transfer or assignation to the community body (for example, in the case of a proposed purchase, the proposed purchase price).

8. Request

The community body, _____, are requesting the transfer of the land or assignation of the tenant's interest detailed at point 4 above to the [community body/third party purchaser]* _____, on such terms as may be agreed between the owner or tenant, as the case may be, and the community body.

* Please select either community body or third party purchaser above to confirm who you are requesting that the land be transferred to or the tenant's interest assigned to, as the case may be.

Signed on behalf of the community body by

Name | |
Address | |
Date | |
Position
Signature

Name | |
Address | |
Date | |
Position
Signature

Please note that this form should be signed by two office holders or authorised signatories

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PART B – RESPONSE FROM OWNER TO COMMUNITY BODY TO UNDER PART 5 OF THE LAND REFORM (SCOTLAND) ACT 2016

If you are the land owner identified under the community body's request in Part A of this form and you wish to respond to the community body's request please complete this form and return it to the community body at the address identified in Part A of this form.

If you do not respond to the request using Part B of this form within six months of receipt of Part A of this form, for the purposes of section 56(3)(a) of the Act, you will be regarded as having not responded to the community body. Where an owner has not responded to the community body, the community body may proceed to submit an application to the Scottish Ministers to acquire the land referred to in Part A of this form.

Please note that a response using Part B of this form will not create a contractual obligation between the owner and the community body. Any response indicating a willingness to enter into further discussions and/or negotiations does not create an obligation on the owner in any way.

Please select only one option:

Option 1 - I/We, the land owner identified in Part A of this form, am/are willing to discuss the potential transfer of the land to the community body on the terms specified in Part A of this form and consider entering into negotiations to that end. Please contact me/us to discuss the potential transfer further.

Option 2 - I/We, the land owner identified in Part A of this form, do not agree to the request made by the community body to transfer the land to them on the terms so specified but am/are willing to discuss the community body's proposal with them further.

Please note that if you tick the box at **Option 2**, for the purposes of section 56(3)(a) of the Act you will be regarded as having not agreed to the community body's request, however this does give you an opportunity to discuss options with the community body that do not rely on the Part 5 right to buy process.

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Option 3 - I/We, the land owner identified in Part A of this form do not agree to the request made by the community body to transfer the land to them.

Signed on behalf of the land owner identified in Part A of this form by

Name []
Address []
Date []
Position

Signature

Name []
Address []
Date []
Position

Signature

SCHEDULE 3

Regulation 11

PUBLICATION OF BALLOT RESULT



**Land Reform (Scotland) Act 2016: Part 5 Right to Buy Land to
Further Sustainable Development
Section 57(3) (b) of the Land Reform (Scotland) Act 2016
Form of publication of result of ballot**

Notes:

1. This form is to be used by a Part 5 community body that intends to make an application to Ministers under section 54 of the Land Reform (Scotland) Act 2016 ("the Act") for consent to-
 - exercise a right to buy land or a tenant's interest, or
 - nominate a third party purchaser to exercise a right to buy land or a tenant's interest,under Part 5 of the Act. It is to be used for the purpose of publishing the result of the ballot that the Part 5 community body has conducted under section 57 of the Act to seek community approval in relation to either:-
 - its proposal to exercise the right to buy the land or tenant's interest, or
 - its proposal that a third party purchaser exercise the right to buy the land or tenant's interest.
2. The result of the ballot must be published no later than 14 days beginning with the ballot deadline (within the meaning given in regulation 8(3)(b) of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020.
3. You may print this form and complete it manually or you may download it and complete it electronically.
4. If you complete the form manually, you must do so using black or blue ink and capital letters.
5. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please –
 - indicate on the form where any answer is given or continued on a separate sheet,
 - indicate on each separate sheet the question number(s) to which the sheet relates.
6. For more information and guidance on the right to buy for sustainable development, please visit www.gov.scot and search for "right to buy".

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form of publication of the result of the ballot

1 The name of the Part 5 community body ("community body") to which the result of the ballot relates.

2 A description of the land or, the land to which the tenant's interest relates, to which the result of the ballot relates.

3 The ballot deadline within the meaning given in regulation 8(3)(b) of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020.

4 Number of persons eligible to vote in the ballot.

5 Number of persons eligible to vote who voted in the ballot.

6 The number of valid votes respectively cast for and against the proposition that:-
• the community body or third party purchaser, as the case may be, buy the land or
• the community body or third party purchaser, as the case may be, buy the tenant's interest.

For:

Against:

SCHEDULE 4

Regulations 10 and 12

NOTICE TO MINISTERS OF BALLOT RESULT AND DECLARATION BY OBSERVER

Official Use	
Code	
Received Date	



Land Reform (Scotland) Act 2016: Part 5 Right to Buy to Further Sustainable Development
Return of the result of the ballot
Section 57(5) of the Land Reform (Scotland) Act 2016

Notes:

1. This form is to be used by a Part 5 community body that intends to make an application to Ministers under section 54 of the Land Reform (Scotland) Act 2016 ("the Act") for consent to:-
 - exercise a right to buy land or a tenant's interest, as the case may be, or
 - to nominate a third party to exercise a right to buy land or a tenant's interest, as the case may be,under Part 5 of the Act and is for the purpose of notifying Ministers of the details of the ballot that the Part 5 community body conducted under section 57 of the Act to seek community approval in relation to its proposal to buy or, to nominate a third party to buy, the land or the tenant's interest.
2. The form must be returned within 21 days of the ballot deadline within the meaning given in regulation 8(3)(b) of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020. If the Part 5 community body makes its application under section 54 of the Act during that period, the Part 5 community body may enclose this form with the application.
3. You may print this form and complete it manually or you may download it and complete it electronically.
4. If you complete the form manually, you must do so using black or blue ink and capital letters.
5. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please –
 - indicate on the form where any answer is given or continued on a separate sheet,
 - indicate on each separate sheet the question number(s) to which the sheet relates.

You may submit the completed form and attached documents -

- electronically to crtb@gov.scot, or
- by post to Community Land Team, Q Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

For more information and guidance on the right to buy for sustainable development, please visit www.gov.scot and search for "right to buy".

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Return of the result of the ballot

1 What is the name of the Part 5 community body ("community body") to which the result of the ballot relates?

2 What was the date of the ballot deadline within the meaning given in regulation 8(3)(b) of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020.

3 What was the wording of the proposition that was put to the community in the vote on whether:-

- to buy the land or tenant's interest, or
- to have the nominated third party purchaser buy the land or tenant's interest?

4 How many persons were eligible to vote in the ballot?

5 How many persons voted?

6 How many proxy votes were cast?

7 How many votes were spoilt?

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

8 What was the number of votes cast in favour of the proposition that:-

- the community body or third party purchaser, as the case may be, buy the land, or
- the community body or third party purchaser, as the case may be, buy the tenant's interest.

9 Please provide details of any information that was provided by the community body to the persons eligible to vote in the ballot. If separate sheets are attached they must be referenced accordingly.

10 Please ask the observer who was appointed to oversee the opening and counting of the votes made on the completed ballot papers and the recording of the result in accordance with regulation 10 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020 to read and sign the declaration below.

I, the undersigned, confirm that I oversaw the opening and counting of the votes made on the completed ballot papers and the recording of the result of the ballot to which this form relates and I certify that those processes were conducted in a fair and reasonable manner.

Name:
Address:
Telephone:
Email:
Date:

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11 Please provide the name, address, telephone number, email address and position of the member of the community body making this return and sign and date the form where indicated.

Name:	
Address:	
Telephone:	
Email:	
Date:	
Position:	
Signature:

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SCHEDULE 5

Regulation 20

APPLICATION FOR GRANT TOWARDS LIABILITY TO PAY COMPENSATION

Official Use	
Code	APP
Received Date	



Land Reform (Scotland) Act 2016: Part 5 Right to Buy to Further Sustainable Development

Section 68(6) of the Land Reform (Scotland) Act 2016

Application for grant towards liability for compensation

Notes:

1. This form is to be used by a Part 5 community body or a third party purchaser in order to make an application to Scottish Ministers under section 68 of the Land Reform (Scotland) Act 2016 ("the Act") for a grant towards their liability to pay compensation under section 67 of the Act.
2. The form must be returned within the period of 90 days beginning with (a) the date on which the Part 5 community body or third party purchaser and the applicant agreed the amount of compensation payable; or (b) the date on which the Lands Tribunal for Scotland ("the Lands Tribunal") determined a question referred to it under section 67(6) of the Act as to the amount, if any, of compensation payable.
3. You may print this form and complete it manually or you may download it and complete it electronically.
4. If you complete the form manually, you must do so using black or blue ink and capital letters.
5. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please -
 - o indicate on the form where any answer is given or continued on a separate sheet,
 - o indicate on each separate sheet the question number(s) to which the sheet relates.
6. You may submit the completed form and attached documents -
 - o electronically to crtb@gov.scot, or
 - o by post to Community Land Team, Q Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.
7. For more information and guidance on the right to buy to further sustainable development, please visit www.gov.scot and search for "right to buy".

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SECTION 1 — WHO IS APPLYING

1.1 Please provide the name of the Part 5 community body or third party purchaser applying for a grant ("the applicant").

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1.2 Please supply the principal or registered address of the applicant.

Address:	
Town:	
County:	
Country:	
Postcode:	
E-mail:	

1.3 Please supply the address the applicant wishes correspondence to be issued to.

Contact Name:	
Postal Address:	
Town:	
County:	
Country:	
Postcode:	
Telephone:	
Email:	

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SECTION 2 — DETAILS OF COMPENSATION LIABILITY

2.1 Please provide the name and address of the party seeking compensation from the applicant.

Contact Name:	
Postal Address:	
Town:	
County:	
Country:	
Postcode:	
Company No. (if applicable):	
E-mail:	

2.2 Please provide the details of the compensation sought from the applicant. Please include whether the loss or expense being sought falls within section 67(1)(a), (b), (c) or (d), section 67(2)(a)(i), (ii), or (iii) or section 67(2)(b) of the Act. If the amount of the claim has been determined by the Lands Tribunal under section 67(6) of the Act, please include the decision of the Lands Tribunal.

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SECTION 3 — DETAILS OF GRANT SOUGHT AND APPLICANT'S FINANCES

3.1 Please provide the amount of the grant sought by the applicant.

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3.2 Please attach a statement certifying the details of the finances of the applicant and stating that after settlement of its other liabilities connected with the exercise of its right to buy under Part 5 of the Act, the applicant has insufficient money to pay, or to pay in full, the amount of compensation due under section 67 of the Act. Please ensure that this statement is signed by an office holder of the applicant, unless the applicant is a third party purchaser who is an individual.

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Financial statement attached (tick to confirm)

3.3 Please provide details of all reasonable steps the applicant has taken to obtain money in order to pay the compensation.

3.4 Please provide copies of all correspondence between the applicant and the party seeking compensation regarding that matter.

Correspondence attached (tick to confirm)

3.5 Please provide the bank details of the account into which any grant is to be paid.

SECTION 4 — DECLARATION

I, the undersigned, have been authorised by the applicant to provide the information contained in this form and any supporting documents.

The applicant understands that if it makes any inaccurate statements or provides inaccurate information (deliberate or accidental) or if it knowingly withholds any information, this could result in the Scottish Ministers deciding not to approve this application.

The applicant confirms that any grant provided under section 68 of the Act will be used only in respect of compensation sought under section 67 of the Act.

The applicant has not altered the wording of this form.

I have read and understand the terms of this declaration.

Name: _____

Position: _____

Address: _____

Telephone: _____

Email: _____

Date: _____

Signature

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with the right to buy land to further sustainable development under Part 5 of the Land Reform (Scotland) Act 2016 (“the 2016 Act”).

Part 2 concerns the application required to be submitted by a Part 5 community body that wishes to apply to Ministers for consent to exercise a right to buy under section 54 of the 2016 Act.

Regulation 2 provides that the application must be in the form specified in schedule 1 and include or be accompanied by information where specified in that schedule.

Regulation 3 provides specifications for maps, plans or other drawings submitted with the application specified in schedule 1 and schedule 2.

Regulation 4 sets out the manner in which an application for a right to buy under Part 5 must be publicly notified by the Scottish Ministers as required by section 55(3) of the 2016 Act.

Part 3 concerns the written request that a Part 5 community body must send to a land owner or tenant under sections 56(3)(a) or (7)(a) of the 2016 Act respectively.

Regulation 5 provides that a written request to a land owner or a tenant must be in the form specified in schedule 2.

Regulation 6 provides that a response from the land owner to a request as specified under section 56(3)(a) of the 2016 Act must be in the form specified in Part B of schedule 2.

Regulation 7 provides the circumstances in which the land owner is taken to have not responded or not agreed to a request.

Part 4 concerns the ballot that must be held by the Part 5 community body in the six months preceding the submission of an application under Part 5, as required by section 57(1) of the 2016 Act.

Regulation 8 provides that the ballot must be conducted in a fair and reasonable manner and as a secret postal ballot. It also requires Part 5 community bodies to ascertain all eligible voters in the community and send to them a ballot paper containing the question on which the vote is to be taken, the ballot deadline, a stamped addressed envelope and additional information about the Part 5 community body and its proposal.

Regulation 9 specifies that a person eligible to vote in the ballot may request to be permitted a proxy vote and sets out the requirements for making such a request. The Part 5 community body must permit a proxy vote to a person who makes a valid request.

Regulation 10 requires the Part 5 community body to appoint an observer to oversee the counting of the completed ballot papers and the recording of the result. The observer must be an individual who is independent of the Part 5 community body and must sign a declaration that the person observed the counting and recording of the votes. The declaration is contained in schedule 4.

Regulation 11 specifies requirements for publication of the ballot result.

Regulation 12 provides that the Scottish Ministers must be notified of the ballot result as required by section 57(5) of the 2016 Act in the form specified in schedule 4.

Regulation 13 requires that the Part 5 community body retain evidence:—

- that, in the course of running the ballot, they complied with regulation 8,
- of all requests for a proxy vote and all proxy votes made under regulation 9, and
- all completed and returned ballot papers

for two years after the ballot deadline.

Regulation 14 provides that a Part 5 community body may apply for reimbursement of the expense of conducting a ballot and provides for the associated timescale depending on the circumstances.

Regulation 15 specifies the information that must be included in the Part 5 community body's application for reimbursement of the expense of conducting a ballot.

Regulation 16 provides that the Scottish Ministers may, within the period of 30 days after an application under regulation 14 is received, request further information from the Part 5 community body. The Part 5 community body then has 7 days in which to respond with the information requested or with an explanation as to why the additional information cannot be provided.

Regulation 17 provides that in the period of 60 days beginning on the date the application under regulation 14 is received, Ministers must calculate the amount, if any, to be reimbursed to the Part 5 community body. Only expenses that were incurred in the conduct of the ballot which are directly attributable to the activities specified in regulation 8 may be reimbursed and only provided that they were not incurred retrospectively.

Regulation 18 provides that a Part 5 community body has the right to appeal a decision of the Scottish Ministers under regulation 17 to the Lands Tribunal for Scotland ("the Lands Tribunal"). Any appeal under regulation 18 must be lodged within the period of 28 days beginning on the date three days after the day on which the notice of the decision under regulation 17 is posted to the Part 5 community body. The Lands Tribunal may make an order requiring the Scottish Ministers to reimburse a specified amount to the Part 5 community body. There is no right to appeal a decision under regulation 18.

Part 5 concerns claims for compensation where a person has incurred losses or expense in complying with the requirements of Part 5 following the making of an application, as a result of the withdrawal of a community body or third party purchaser or as a result of a Part 5 community body or third party purchaser failing to complete the purchase.

Regulation 19 makes provision regarding the procedure for claims for compensation.

Regulation 20 makes provision in connection with an application for a grant under section 68 (grants towards liabilities to pay compensation) of the 2016 Act.

Business and Regulatory Impact Assessment, Data Protection Impact Assessment and Equality Impact Assessments have been prepared and placed in the Land Reform Unit, Directorate for Agriculture and Rural Economy, Victoria Quay, Edinburgh, EH6 6QQ.