
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 21

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

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- (b) the date that the notice in writing to the Scottish Ministers that the Part 5 community body has withdrawn its application or withdrawn the confirmation of its intention to proceed with the purchase under section 62(3) of the Act is received,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 - (i) the Part 5 community body has withdrawn its application or,
 - (ii) the Part 5 community body or the nominated third party purchaser has withdrawn the confirmation of intention to proceed,under section 62(4) of the Act, or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or the third party purchaser's confirmation of intention to proceed made under section 62 of the Act is treated as withdrawn under section 64(7) of the Act.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.