

## ADDITIONAL INFORMATION FOR LANDOWNERS

If the landowner notifies Ministers that there are concluded missives or an option agreement in relation to the land, the landowner will be required to provide to Ministers evidence of those concluded missives or the option agreement (s39A).

If the landowner makes a transfer of the land which is permitted under section 40(4) of the 2003 Act, the owner is required to notify Ministers of the transfer and provide details of the transfer and the new owner of the land (s41).

The landowner may be liable for the cost of the valuation if the owner withdraws from the transfer of the land without good reason (s60A).

(References in brackets are the appropriate section within the Land Reform (Scotland) Act 2003 or appropriate regulation within The Community Right to Buy (Scotland) Regulations 2015 (SSI 2015/400)).

## MORE INFORMATION

This leaflet outlines the right to buy legislation that will apply to new applications made on or after 15 April 2016. It does not cover all the changes to the legislation, and you should contact the Scottish Government's Community Land Team before making an application.

The changes are being made under Part 4 of the Community Empowerment (Scotland) Act 2015 and The Community Right to Buy (Scotland) Regulations 2015 (SSI 2015/400). You can find a copy of these at [www.legislation.gov.uk](http://www.legislation.gov.uk).

Further information on the community right to buy can be accessed via the Scottish Government's website at [www.gov.scot](http://www.gov.scot) (search for community right to buy)

The Community Land Team can be contacted on:

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This document is also available on  
The Scottish Government website: [www.gov.scot](http://www.gov.scot)

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The law on the Community Right to Buy, Part 2 of the Land Reform (Scotland) Act 2003, is changing from 15 April 2016 for applications to register or re-register a community interest made on or after this date.

The changes widen the scope of the community right to buy across the whole of Scotland, and streamline the right to buy process.

Part 2 of the Land Reform (Scotland) Act 2003

## CHANGES TO THE COMMUNITY RIGHT TO BUY PROCESS



**THIS LEAFLET PROVIDES A BRIEF SUMMARY OF THE KEY CHANGES**

**EFFECTIVE FROM 15 APRIL 2016**



The Scottish Government  
Riaghaltas na h-Alba

## SUMMARY OF KEY CHANGES

The community right to buy will be open to communities across Scotland (s33). It will no longer be limited to rural land.

### CHANGES TO COMMUNITY BODIES (CB):

- As well as being able to form as a Company Limited by Guarantee, a CB will also be able to form as a Scottish Charitable Incorporated Organisation (SCIO) or Community Benefit Society (BenCom);
- A CB must have not fewer than 10 members, rather than the current 20 members;
- At least three-quarters of the members of the CB must be members of the community, rather than the current requirement that the majority of the CB must be members of the community;
- An audit of the CB's accounts, in relation to Community Right to Buy, will no longer be necessarily required, although the CB must still ensure proper arrangements for its financial management;
- A CB's articles, constitution or registered rules must state that the CB must provide a copy of minutes of the CB's meetings if requested by any person, if the request is reasonable;
- Community support for the CB's proposals, such as an entry on a petition list, must be obtained within 6 months of the date the application is made to Ministers (s34, s38).

There will be additional options by reference to which a CB can define its community. In addition to the existing option to define a community by reference to postcode units, options to define a community will now include electoral ward, community council area, postcode area, postcode district, postcode sector, island, settlement, and locality (s34 and SSI 2015/400, reg 2).

The registration form is streamlined and made easier for CBs to complete (SSI 2015/400, reg 4).

There is a new re-registration form introduced which simplifies the re-registration process. Ministers will also notify the CB of the impending expiry of their registered interest 12 months before the expiry of their registered interest (s37, s44 and SSI 2015/400, reg 4).

The late registration process has been amended. In order for Ministers to accept a late application, the CB will no longer be required to show why it has good reasons for not submitting a timeous application (s39).

- The CB will now be required to demonstrate what relevant work or relevant steps were carried out by a person to acquire the land before it was put up for sale.
- A late application may be accepted by Ministers if the CB can show that it:
  - o (i) has good reasons why the relevant work or relevant steps were not undertaken prior to the land being marketed for sale; and,
  - o (ii) there are good reasons to allow the late application despite the lack of relevant work or relevant steps.
- If the CB which is making the application, or a similar CB, has been offered the land within the previous 12 months, and there were not good reasons why it rejected that offer, that late application would not be allowed (s39 and SSI 2015/400, reg 11).

The ballot will no longer be carried out by the CB. The ballot will now be carried out by a balloter who is appointed by Ministers. Ministers will now meet the cost of running the ballot.

The CB is required to provide certain information to the balloter to enable the balloter to conduct the ballot (s51A, s51b, s51C, s52 and SSI 2015/400, regs 13-20).

The CB must notify Ministers of any changes to the name, address or contact details of the CB (s44A).

The landowner must notify Ministers of any changes to the contact details of the landowner or information relating to a creditor with a standard security over the land (s44A).

The period within which the valuation must be carried out has been extended from 6 weeks to 8 weeks to allow for a counter-representation stage to be added to the valuation process, which allows the valuer to obtain representations as to the value of the land (s60).

The timescale for completion of the transfer of land is extended from 6 months to 8 months (unless there is an appeal or a later date is agreed by the CB and owner) (s56).