

DISCLAIMER: This form is illustrative only, and has been created explicitly for the purposes of the Part 5 consultation. The final version of the form will be included as part of the Regulations implementing Part 5 of the 2016 Act and is likely to be different from this, following the consultation and further consideration by the Scottish Government.

ANNEX B - PART 5 TENANT'S INTEREST TRANSFER REQUEST FORM

Scottish Government form for completion by a community body constituted under Part 5 of the Land Reform (Scotland) Act 2016 (the "Act"), and sent to a tenant seeking transfer of their interest, or part of their interest, associated with land that the Part 5 community body is seeking to acquire the ownership of.

Note to the Part 5 community body

This form must be completed as instructed, otherwise it will not be valid.

Note to the tenant to whom this form has been sent

(Please note: This request from the Part 5 community body does not apply if the tenant's interest the community body is seeking to buy is being tenanted as a home. The part 5 right to buy cannot be used to buy out a residential tenant of their tenancy. If you have a residential tenancy, where the ownership of your home is transferred to a new landlord under Part 5, your existing tenancy rights will remain unaffected, just as if a new owner had taken on ownership of the land through the open market).

This form has been provided by the Scottish Government for Part 5 community bodies to send to tenants whose interests they are seeking to acquire.

Within the terms of Part 5 of the Act, the community body may only seek to acquire a tenant's interest where it is seeking to simultaneously acquire ownership of land with which those interests are associated.

If you have received this form, it is because a Part 5 community body, as defined in terms of the Act, has written to you to seek the transfer of part, or all, of your interest in the land under your tenancy that is associated with land which the community body is seeking to become the owner of.

You do not have to respond to the community body which is seeking to buy your interest, but if you do so it may offer an opportunity for you to discuss matters with the community body.

Explanation of this form

This form is for a Part 5 community body seeking to acquire a tenant's interest under the terms of the Act. In terms of the Act, the tenant's interest which the Part 5 community body is seeking to acquire must be associated with land which the Part 5 community body is seeking to acquire.

Completing this form accurately, and sending it to the tenant whose interest, or part of whose interest the Part 5 community body is seeking to acquire, allows the Part 5 community body to comply with the procedural requirement under section 56(7)(a) of

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the 2016 Act, which states that “*before the period of 6 months ending with the day on which the application was made, the Part 5 community body has submitted a written request to the tenant to assign the tenant’s interest to the community body or, as the case may be, to the third party purchaser named in the application*”.

Please note there is no requirement in the 2016 Act for the tenant to respond to the request from the Part 5 community body to buy their interest.

Scottish Ministers will assess each and every application to buy a tenant’s interest on its own merits, and against the criteria for assessment in Part 5 of the Act, which include sustainable development conditions and procedural requirements. Scottish Ministers can only consent to the purchase of a tenant’s interest under Part 5 where they also approve the transfer of ownership of the land with which it is associated.

Unlike an application to buy land under Part 5, whether or not the tenant responds or agrees to the request is not relevant for the whether or not the Part 5 right to buy application to Scottish Ministers can proceed. In the case of the transfer of land, a community body can only proceed with a Part 5 right to buy application where the community has submitted a request for land transfer to the owner of the land, and that owner has not responded to the request or not agreed to it, and 6 months have expired since the request was made.

However, there is no such process requirement for requests to transfer a tenant’s interests.

TO BE COMPLETED BY THE PART 5 COMMUNITY BODY

Name and registered address of the Part 5 community body applying for consent to exercise a right to buy land for sustainable development, and any associated tenant’s interests, under the 2016 Act.

Other relevant contact details. Please provide any other contact details for the Part 5 community body, such as an e-mail and phone number where applicable.

Where applicable, the name, registered address and contact details of any third party purchaser that the community wish the land to be transferred to.

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Proof that the community body is a compliant Part 5 community body under the terms of section 49 of the 2016 Act. The community body must use this box to indicate what proof is enclosed, so that the land owner who receives this form can check that the stated proof is present. The proof must include a copy of written confirmation from Scottish Ministers, in compliance with section 49(7) of the 2016 Act, that Ministers are satisfied that the main purpose of the community body is sustainable development.

Address and description of the land and/or assets which the Part 5 community body wishes to buy.

Please describe the tenant's interests you are seeking to buy which relate to the land you are seeking to buy.

A description of what the Part 5 community body proposes to do with the land and tenant's interests that it is seeking to acquire.

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Signature. In order for this form to be valid, please sign and date it on behalf of the Part 5 community body.

Signature:

Date:

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Extra Notes to the Tenant

Compulsory purchase transfer subject to full price being paid

Please note, that where any subsequent application by the community body to Scottish Ministers to buy your tenant's interests under Part 5 is approved, the transfer may only go ahead if the Part 5 community body pay the price for the tenant's interests that is established by a suitably qualified and independent valuer that has been appointed by Scottish Ministers.

If the transfer of your tenant's interests goes ahead via compulsory purchase under Part 5, you will therefore receive the full value of your tenant's interests as determined by this person, and you have a right to appeal against the valuation, as well as a right to appeal against Minister's approval of the Part 5 transfer.