

[REDACTED]

From: [REDACTED]
Sent: 10 October 2017 11:14
To: Ian A Hepburn
Cc: [REDACTED]
Subject: RE: Ulva CRTB

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ian,

If approved, you would be the first late registration approved under the revised legislation.

regards

[REDACTED]

[REDACTED]



From: Ian A Hepburn [mailto:ian_nwmullwoodland@btconnect.com]
Sent: 10 October 2017 10:06
To: [REDACTED]
Cc: [REDACTED]
Subject: Ulva CRTB

[REDACTED]

I wondered if you had the answer to the following at your fingertips.
If we achieve late registration will we be the first or only the first under the amended act? This may seem nit picking but from a Community Land Scotland perspective it is quite important.

Best

Ian

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

[REDACTED]

From: John addy [REDACTED]
Sent: 11 October 2017 10:08
To: [REDACTED]
Cc: ian_nwmullwoodland@btconnect.com; colin@nwmullwoodland.co.uk
Subject: Re: North West Mull Community Woodland Company Limited - CB00221 - Notification of Scottish Ministers Decision

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning [REDACTED],
A hectic day yesterday but very good to have this news.
I would just like to register my appreciation for the very helpful advice you and your colleagues have given us throughout the process to date.
As you indicated a while ago, in the event of a positive decision you would be looking to have a meeting with us up here and we look forward to hearing what dates you may have in mind.
Regards
John

On 10 Oct 2017, at 15:10, [REDACTED]

Dear North West Mull Community Woodland Company Limited

NOTICE BY THE SCOTTISH MINISTERS UNDER SECTION 37(17) OF THE LAND REFORM (SCOTLAND) ACT 2003: DECISION ON THE APPLICATION BY NORTH WEST MULL COMMUNITY WOODLAND COMPANY LIMITED TO REGISTER A COMMUNITY INTEREST IN LAND CONSISTING OF THE ISLE OF ULVA AND ASSOCIATED SMALLER ISLANDS INCLUDING LAND AT ULVA FERRY, MULL, ARGYLL AND BUTE

Please find enclosed a copy of the Scottish Ministers decision in relation to the above. A hard copy has been sent to you in the post by recorded delivery.

As a result of the decision, the Right to Buy has now been deemed to have been triggered and we now progress into the next stage (i.e. a valuer is appointed, a ballot of the community is required, a business plan needed and the community now have 8 months to conclude the purchase). We will be touch within the next 7 days to provide further guidance on the next stage of the process.

Should you have any questions, then please get in touch.

As you'll appreciate, there has been significant media interest in your case, and I would like to ask a small favour. I'd be grateful if you could refrain from making any public statement on this decision until after 15:45, to allow us to deal with media handling from our end. If this is going to cause you any issues, I'd be grateful if you could call [REDACTED], the Head of the Community Land Team, on [REDACTED]

[REDACTED]

[Redacted]

[Redacted]

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return. Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

<NWMCWCL - Ministerial decion Notice.pdf>

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Environment and Forestry Directorate
Land Reform Unit



[REDACTED]

Mr C Morrison
Penmore Mill
Penmore
Tobermory
PA75 6QS



Your ref/Ur faidhle:
Our ref /Ar faidhle: CB00221
9 October 2017

Dear Mr Morrison

NOTICE BY THE SCOTTISH MINISTERS UNDER SECTION 37(17) OF THE LAND REFORM (SCOTLAND) ACT 2003: DECISION ON THE APPLICATION BY NORTH WEST MULL COMMUNITY WOODLAND COMPANY LIMITED TO REGISTER A COMMUNITY INTEREST IN LAND CONSISTING OF THE ISLE OF ULVA AND ASSOCIATED SMALLER ISLANDS INCLUDING LAND AT ULVA FERRY, MULL, ARGYLL AND BUTE

Case Number: CB00221

Notice under section 37(17) of the Land Reform (Scotland) Act 2003 ("the Act") is enclosed.

The Scottish Ministers have considered the application by North West Mull Community Woodland Company Limited (NWMCWCL) to register an interest in land consisting of the Isle of Ulva and associated smaller islands including land at Ulva Ferry, Mull, Argyll and Bute. Scottish Ministers have decided that the interest **should** be entered in the Register of Community Interests in Land.

Scottish Ministers would like to take this opportunity to address some of the views expressed by the landowner:

- The owners have provided a range of statement and evidence demonstrating how the owners in the past have tried to undertake a range of developments on Ulva and have then found the proposals not be to viable. Officials view is that evidence of the viability of NWMCWCL's proposals is not required at this stage. The inclusion of information to show that deliberations around the viability had being initiated would have been helpful

and will be required to be evidenced at the right to buy stage of the process. Scottish Ministers consider that although the existing owners do not determine how the proposals could be viable, as the community body have the benefit of volunteers, additional funding sources and other external organisational support, it should not be taken as strong evidence that NWMCWCL's proposals cannot be viable.

- NWMCWCL state that the island ferry service will be maintained, though the owner states that the ferry operates when the operator of the ferry chooses to do so. This will be a matter for NWMCWCL to discuss with the ferry operator in the future, including the provision of ferry services in the future.

In accordance with section 37(17) of the Act, a copy of this letter is being sent to the landowner, Henry James Howard, Ulva House, Isle of Ulva, Argyll PA73 6LZ and Robin James Scott Morton WS, Morton Fraser LLP, Quatermile Two, 2 Lister Square, Edinburgh EH3 9GL as joint executors of the late Jean Margaret Howard and the heritable creditor Clydesdale Bank PLC, 30 St. Vincent Street, Glasgow G1 2HL. In terms of section 37(20) of the Act, Scottish Ministers will direct the Keeper of the Register of Community Interests in Land to enter the interest in that Register with effect from the date of this decision.

Your attention is drawn to the notes contained in the Notice which provide information about the effect of Scottish Ministers decision and on rights of appeal against the decision.

Yours sincerely


On behalf of Scottish Ministers

Notice under section 37(17) of the Land Reform (Scotland) Act 2003 of Scottish Ministers' Decision

The Scottish Ministers ("Ministers") have received the application by North West Mull Community Woodland Company Limited (NWMCWCL) to register a community interest in land consisting of the Isle of Ulva and associated smaller islands including land on Mull in relation to the Ulva Ferry, Argyll and Bute in terms of Part 2 of the Land Reform (Scotland) Act 2003 ("the Act").

Having considered the information provided Ministers have decided that the interest **is** to be entered in the Register of Community Interests in Land ("the Register"). Scottish Ministers' decision is effective from 9 October 2017 ("the Decision Date"). This notice states the reasons for that decision.

- Whether a community body

Scottish Ministers are therefore content that the CB comprises a compliant community body, the governing documents of which contain provisions that satisfy the requirements of **section 34(1)** of the Act.

- Registrable land

Scottish Ministers are content that the land to be registered is not excluded land' within the meaning of section 33 of the Act.

- Salmon fishings and mineral rights

Scottish Ministers are satisfied that the provisions in section 38(1)(c) of the Act do not apply in relation to this application as no salmon fishings or mineral rights are involved.

- Community connection with the registrable land

Section 38(1)(b)(i) of the Act requires Scottish Ministers to be satisfied that a significant number of the members of the community have a connection with land. NWMCWCL has not indicated this applies and officials are therefore content it does not apply in this case.

Section 38(1)(b)(ii) of the Act requires Scottish Ministers to be satisfied that the land is sufficiently near to land with which those members of the community have a connection. NWMCWCL state in their answer at Section 3 Q3.9 of the application form that this section applies and the community's connection in relation to that land is;

- The Isles of Ulva and the associated land holdings on the mainland of Mull fall within the NWMCWCL Limited community as defined in its Articles of Association. Residents and businesses on Ulva and around Ulva Ferry are intimately part of the broader community of North West Mull, with connections and interactions including schools, community centres, churches, social activities,

restaurants and many other facets of community life. And *vice versa* businesses based on Mull for example in the tourist industry, fisheries and aquaculture all interact with Ulva.

- Many people on Mull have close family links with Ulva, often going back generations, and Ulva's cultural heritage is closely entwined with that of Mull. Consequently, Ulva is valued as a part of and not apart from the neighbouring communities on Mull.
- These close links between the community of North West Mull and Ulva are evidenced by the petition detailed in 6.2 of this application. The petition was signed by all current adult residents of Ulva with the exception of the landowner, around a dozen previous residents, adults who spent their childhood on the island, workers on fish farms around Ulva, fishermen working out of Ulva Ferry, previous employees of the estate and previous pupils of Ulva Ferry school.

It is Scottish Ministers view that NWMCWCL provides sufficient evidence that the land is sufficiently near to land with which those members of the community have a connection because:

- NWMCWCL state that residents of the community have connections to local schools, community centres, churches, social activities, restaurants and many other facets of community life. It is clear to Scottish Ministers that those members of the community have a connection to land which is sufficiently near to land with which those members of the community have a connection.

Therefore the criterion in section 38(1)(b)(ii) of the Act which NWMCWCL stated applies has been met.

Section 38(1)(b)(iii) or (iv) of the Act requires Scottish Ministers to be satisfied that where the community body is a body as mentioned in Section 34(A1)(a) or 34(A1)(b) the land is in or sufficiently near to the area of the community. NWMCWCL has not indicated either applies and Scottish Ministers are therefore content it does not apply in this case.

- Relevant work or relevant steps

Section 39(3)(a), (aa) & (3A) of the legislation provide that unless Scottish Ministers are satisfied that reasonable, relevant work or steps have been taken, sufficiently in advance of the landowner taking steps with a view to transfer land, then they will not register the interest, unless they are satisfied that are good reasons for the steps not being taken. Section 5 of the application form asks for evidence of the relevant work or steps taken and if work has not been carried out, the reasons for this.

Q5.1 of the application form allows the CB to detail all relevant work or steps taken by a person with a view to an application being made by the CB in the land to which this application relates or to such other land with a view to such land being used for the purposes that are the same as those proposed for the land to which this application relates. Q5.2 of the application form allows the CB, where it has not carried out any relevant work or taken relevant steps the CB is invited, to evidence why these actions were not carried out. Section 39 (3A) provides that Scottish Ministers may decide that a community interest is to be entered in the register even

though sections 39(3)(a) and (aa) are not satisfied in relation to the interest, if Scottish Ministers are satisfied that there are good reasons; why the conditions are not satisfied, and; for allowing the interest to be entered in the Register. NWMCWCL answered Q5.2 and from all the information provided, it is Scottish Ministers view that the information provided shows that:

- NWMCWCL answer to Q5.2 of the application form states the reasons why such relevant work or steps was not carried out or taken. These, succinctly put, are;
 - NWMCWCL state that, had the owner wished to inform his tenants and the wider community of his intention to sell, it would have been very straightforward. Scottish Ministers view is that in this case the property is for sale. Any leases would more over automatically to the new owner. From the owner's comments on the application, it would seem that the owner did inform the community some weeks before the property was formally place on the open market, though at that time steps to dispose of the land had already been carried out, so the application would still be deemed a late application. Scottish Ministers do not therefore consider this to be a good reason for not carrying out such relevant work or taking relevant steps.
 - NWMCWCL state that, the Ulva School Community Association (USCA) and Mull and Iona Community Trust (MICT) have been working on community development in the Ulva Ferry area since 2011. There was no reason for NWMCWCL to become involved in the work in the Ulva Ferry area at that time as it was being taken forward very effectively by MICT and USCA. Scottish Ministers view is that the work done by USCA and MICT who, although Ulva is included in their community areas, have not demonstrated that any of the proposals will be on Ulva or for the benefit of Ulva. References to development of the waterfront, community housing and a community hub have largely been completed, though Scottish Ministers are unsure about the community hub and what this entails. NWMCWCL had the opportunity in the application to make Scottish Ministers aware of relevant work carried out in relation to land with a views to the land being used for purposes that are the same as those proposed for the land in relation to which the application relates (section 39(3)(aa)(ii) of the Act), but have not done so. Scottish Ministers do not therefore consider this to be a good reason for not carrying out such relevant work or taking relevant steps.
 - NWMCWCL state that, the Community Body was aware of the CRTB procedures, having successfully applied for a registration under the previous regulations. However, the significance and opportunity presented by the regulations are still filtering down to a community level and many people do not yet fully realise the empowerment which may be available to communities in seeking a more sustainable future. Scottish Ministers are aware that the opportunities presented by the revised regulations are still filtering down to a community level. However, as NWMCWCL have submitted a previous application under the original legislation, to suggest that they were unaware of the legislation a year after the revisions came into force is difficult to understand. This is further supported by the fact that NWMCWCL submitted an application to Scottish Ministers using the revised legislation in May 2016. Scottish Ministers do not therefore

- consider this to be a good reason for not carrying out such relevant work or taking relevant steps.
- NWMCWCL state that, a further factor was an awareness of the current precarious position regarding the existing tenants' security of tenure. In recent years some very short notices have been given to tenants to vacate rented property. There was also a reluctance amongst some community members to be seen as "rocking the boat" in relation to established landowners. Scottish Ministers view is that this reason as being vague. The references to 'some community members' is not quantified and regarding 'rocking the boat' it is clear that any boat rocking has merely been deferred. Scottish Ministers do not therefore consider this to be a good reason for not carrying out such relevant work or taking relevant steps.
 - NWMCWCL state that, there was no indication to the residents of Ulva, the local community or the community body that the property was likely to be sold. Scottish Ministers view is that as the previous owner passed away in 2013, there was ample time for the community to submit a timeous application on the property. NWMCWCL state in the application that in 2013 the possibility of purchasing Ulva was discussed informally by the board of NWMCWCL. No further information on the progress, or lack of, actions in relation to the community purchase of Ulva after this discussion has been stated. Scottish Ministers also consider that the community may not have seen the passing of the previous owner as a reason to suggest that the land be sold, the beneficiary of the property of the deceased's estate was the same individual who lived on Ulva and actively directed the management of the property (and had done so for a significant period of time - over 30 years). Scottish Ministers consider this to be a good reason for not carrying out such relevant work or taking relevant steps.
- No evidence has been submitted that NWMCWCL or another person had been looking at other land for the same or similar purposes as this application or that another person had been looking at submitting an application.
 - However, the legislation provides, in section 39(3A) of the Act, that Scottish Ministers may decide that a community interest is to be entered even though no relevant steps or work were undertaken provided that they are satisfied that there are good reasons (a) why no relevant steps or work was undertaken and (b) for allowing the interest to be entered in the Register (as provided for in section 39(3)(a) and (aa) of the Act).
 - Scottish Ministers consider that they are satisfied that there are good reasons why the condition noted above are not satisfied and for allowing the interest to be registered in the Register. Scottish Ministers consider the good reasons why relevant work was not undertaken etc., in this case, to be as follows: as asserted in their application, there was no indication to the residents of Ulva, the local community or the community body that the property was likely to be sold. Scottish Ministers view is that as the previous owner passed away in 2013, there was time for the community to submit a timeous application on the property. NWMCWCL state in the application that in 2013 the possibility of purchasing Ulva was discussed informally by the board of NWMCWCL. No further information on the progress, or lack of, actions in relation to the community purchase of Ulva after this discussion has been stated. Scottish Ministers accept that the circumstances in this case are exceptional, in that, despite the death of the owner in 2013

providing the impetus for a discussion regarding the possibility of purchase by NWMCWCL that, because the beneficiary of the property from the deceased's estate was the same individual who lived on Ulva and actively carried out the management of the property and had done so for a significant period of time (over 30 years), NWMCWCL did not have any reason to assume that the property was likely to be sold. As stated in their application, when they became aware of the fact that the property was going to be put on the market on 4 May 2017, discussions took place that same day and NWMCWCL contacted officials in connection with a proposed application two days later on 6 May 2017, demonstrating a likelihood that had the community body thought that the property might be sold prior to this time, they would have submitted a timeous application. Scottish Ministers consider the foregoing exceptional circumstances to be a good reason for not carrying out such relevant work or taking relevant steps.

- Scottish Ministers have considered that, in this case, NWMCWCL's argument that to not get the chance to try to make a difference to the local community's lot could mean the chance for real change on Ulva would rely on any new owner undertaking them (which could potentially be far in the future). The Scottish Government fully supports communities wishing to take control of their own futures and by approving this application seeks to carry out the aims of the legislation as agreed by the Scottish Parliament. In this case, Scottish Ministers consider that there is a strong public interest in allowing this application. It is felt that NWMCWCL could have strengthened their case in relation to work carried out etc. with a view to the land being used for purposes that are the same as those proposed for the land in relation to which the application relates. Scottish Ministers consider that it is evident that other community groups (e.g. Ulva Ferry, Mull and Iona Community Trust and Ulva School Community Association) in the area have ongoing plans to for example, create affordable housing which could lead to supporting the local school by increasing the school roll, community hubs and waterfront developments.

After considering all the information received regarding this case, it is the view of Scottish Ministers that although Scottish Ministers consider that there is a good reason submitted by NWMCWCL in the application regarding why the application be approved, in the absence of any relevant work or taken relevant steps being taken, that the criterion in section 39(3)(a) and (aa) of the Act have not been met but Scottish Ministers consider that section 39(3A) of the Act should apply.

No evidence has been submitted that section 39(3)(ab) of the Act, in that had the land been offered to the community and that the community had first refusal to buy, has been enacted by either party.

- Community support

Sections 38(1)(d), Section 38(2) and Section 38(2A) of the Act set out the level of support required for registration and the validity of the support. Section 39(3)(b) of the Act requires that the level of community support is significantly greater than the 10% required for a timeous application. NWMCWCL indicates that it obtained 151 signatures to a petition list (the earliest signature of which is dated 9 June 2017 which is within the 6 months before the date on which the application was received by Scottish Ministers), of persons within the defined community, which it was able to

identify on the Electoral Register used by NWMCWCL to verify support. NWMCWCL indicates that this represents 39% of the 390 residents, entitled to vote at a local government election, who support the application. Scottish Ministers scrutinised the petition against the Edited Electoral Register, Scottish Ministers were able to identify 75 out of the 151 signatories, which equates to **19.2%** of the eligible voters in the community area. Scottish Ministers are therefore satisfied that the required level of support has been achieved and exceeded and meets the requirements of section 38(1)(d) and 38(2) of the Act which exceeds the minimal level of support required in terms of section 38(2)(a) stated as one tenth or more of the members of the community. Scottish Ministers are satisfied that the level of support meets the requirements of section 38(1)(d), section 38(2), section 38(2A) of the Act section 39(3)(b) of the Act.

- Public Interest

Section 39(3)(c) of the Act requires that the factors bearing on whether it is or is not in the public interest that the community interest be registered are strongly indicative that it is. If successful, NWMCWCL proposals are, for example:

- Manage the estate to provide sustainable benefits for the community in the short to medium term and in the long term for future generations including the repopulation of the island.
- Improve infrastructure e.g. improving the housing stock and other buildings, plots will be made available for affordable housing.
- Revitalise and expand agriculture e.g. the existing farm will be re-let, new smallholdings or crofts will be made available.
- Manage forestry sustainably and seek new opportunities e.g. options for Agro-forestry in existing woodland.
- Unlock the very large tourism potential largely untapped at present.
- Care for and promote the cultural heritage of the island.
- Enhanced biodiversity and conserve sensitive habitats and species e.g. establishment of an eagle hide.
- Safeguard natural habitats of the isolated associated islands and skerries e.g. ranger led and self-guided nature trails and study activities will be developed.
- Support marine industries, fishing and aquaculture e.g. reinstatement of abandoned and/or of new oyster farms will be evaluated, feasibility of mussel farming will be investigated.

Scottish Ministers consider that, individually, NWMCWCL's proposals for the land to be registered are all noteworthy, but it is when considering these as a complete package that Scottish Ministers consider, in this case, that the higher public interest test is met. Each of the proposals link together to demonstrate a strong cohesive approach to the revitalisation of a fragile remote area which could have benefits to the community and the land, the wider community and indeed Scotland as a whole. Scottish Ministers consider that meeting of the public interest criteria under section 39(3)(c) is further supported when consideration takes account of the fact that, unlike in other cases, where proposals could be potentially be undertaken on, for example various plots of land in the community that, as this case relates to an island, the

choices for developing the proposals on other land is not achievable. Scottish Ministers have considered carefully both the potential benefits of NWMCWCL's proposals and the potential detriment to the owner of the site through having a prohibition on the land. Scottish Ministers are also aware that there has been interest in the land before the prohibition was put in place. The community right to buy legislation provides for compensation to be paid by Scottish Ministers under section 63 of the Act. These provisions are in place to protect any persons other than a community body from incurring additional loss or expense due to the requirements of the legislation.

This is demonstrated in their application form. Scottish Ministers accept NWMCWCL suggestion that, if delivered successfully, the proposals could bring future benefits for the North West Mull area and the wider community.

Scottish Ministers are satisfied that the registration of this community interest in land is strongly indicative that it is in the public interest.

Therefore, the facts bearing on whether or not it is in the public interest that the community interest be registered are strongly indicative that it is, and accordingly the criteria in section 39(3)(c) of the Act has been met.

- International Covenant on Economic, Social and Cultural Rights

In reaching their decision under section 38(1) of the Act, Scottish Ministers have had regard to the International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 subject to any amendments in force in relation to the United Kingdom for the time being, and any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.

- Decision

As the Scottish Ministers are satisfied in all the circumstances that the requirements of section 38 and 39 of the Act are met, they have decided that the community interest in land should be entered into the Register of Community Interests in Land.

Effect of Ministers' Decision

Where a community interest in land is registered or where that interest has been re-registered, the owner of the land and any creditor in a standard security having the right to sell the land, is prohibited from transferring the land, or any part of it, or from taking any action with a view to transferring the land, or any part of it, while the interest is registered in the Register. This is subject to section 40(4) of the Act.

A community body and owner of the land have a duty under section 44A of the Act to notify changes to information relating to a registered interest to Ministers as soon as reasonably practicable after the change.

Under section 45 of the Act, if Ministers are satisfied that there has, since the date on which they decided that a community interest should be registered (or re-registered) in the Register, been a change in any matters to the extent that, if the application to register that community interest were made afresh, they would decide that the interest is not to be entered in the Register, they shall direct the Keeper to delete that interest.

Where a community interest in land is registered in pursuance of a “late” application (section 39(4) of the Act) the owner of the land is, for the purposes of the Act, deemed to have, on the date on which that interest is so registered, given notice under section 48(1) of the Act that a transfer is proposed, and the community body is deemed to have sent the confirmation which Ministers would have required to seek under section 49(2)(a) of the Act, had section 49 of the Act applied.

An owner of land may, by virtue of section 61(1) of the Act appeal to the sheriff against a decision by Ministers that a community interest in the land is to be entered in the Register.

A person who is a member of a community may, by virtue of section 61(3) of the Act appeal to the sheriff against a decision by Ministers that a community interest in land is to be entered in the Register.

A creditor in a standard security with a right to sell land may by virtue of section 61(3A) of the Act, appeal to the sheriff against a decision by Ministers that a community interest in the land is to be entered in the Register.

An appeal under section 61 of the Act should be lodged within 28 days of the date on which Ministers decided whether to enter the community interest in the Register.

Any person (other than a community body) who has incurred loss or expense in complying with the procedural requirements of Part 2 of the Act is by virtue of section 63 of the Act entitled to compensation from Ministers of such amount as Ministers may determine.

[REDACTED]

From: John addy [REDACTED]
Sent: 25 October 2017 20:50
To: [REDACTED]
Subject: Re: North West Mull Community Woodland Company Limited - CB00221 - Confirmation Valuer appointed and Right to Buy Timeline & Guidance

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks [REDACTED]
Quite a challenge we've been set timing wise.
But (even) we'll struggle to meet the 2011 deadlines on the second page (ccrtb) of the spreadsheet?
Cheers

On 25 Oct 2017, at 13:18, [REDACTED]

Afternoon John

c.c Ian and Colin

**LAND REFORM (SCOTLAND) ACT 2003
NORTH WEST MULL COMMUNITY WOODLAND COMPANY LIMITED
RIGHT TO BUY TRIGGER STAGES – NEXT STEPS**

As you are aware Scottish Ministers approved North West Mull Community Woodland Company Limited (NWMCWCL) community right to buy application to register an interest in the Isle of Ulva and associated islands and land at Ulva Ferry, on the Isle of Mull. As the application was a “late” application section 39(4) of the Act applies. In that from the date of Scottish Ministers decision (9 October 2017) that:

- It is deemed the owner of the land has given notice of a proposed transfer
- And the community have confirmed intention to proceed

Therefore Scottish Ministers are not seeking confirmation from NWMCWCL of its intention to proceed with the Right to Buy,

As a result of the above, Scottish Ministers, as you will see in the attached did on the 17 October 2017 appoint an independent valuer to conduct the valuation on the land noted above. Someone from the Valuation Office Agency (VOA) will be in touch with you, seeking representations on what you believe the land is worth.

The valuation report is due to be published to Scottish Ministers, NWMCWCL and the landowners as identified on the application form **on the 12 December 2017.**

Scottish Ministers will now arrange the appointment of the independent balloter (Electoral Reform Services) within 28 days from when the valuer was appointed. The ERS will conduct the ballot on behalf of NWMCWCL. Scottish Ministers will be in touch again once the balloter has been appointed.

Once the valuation report is published the ERS have 28 days to conduct a ballot of all eligible voters in your defined community and return the ballot results to Scottish Ministers, NWMCWCL and landowners and creditors as identified on the application form **by 9 January 2018**. NWMCWCL will also be required to submit a Section 51B information form and supply any accompanying Section 51B paperwork (e.g. a business plan feasibility study (not necessarily a final version) or some other means) to Scottish Ministers at the same time as ERS submit the ballot results. Once this information is supplied, then Scottish Ministers will then make a decision on whether to consent to NWMCWCL Right to Buy.

I attached a copy of the Right to Buy timeline which we will be following with regards to the next steps.

The dates have been pre-populated using current information, however some of the dates may change depending upon receipt of further information (i.e. valuation report, ballot results etc).

As advised it's common for Scottish Ministers to see evidence in support of the Right to Buy (e.g. a business plan feasibility study (not necessarily a final version) or some other means) as part of the Section 51B paperwork. Funders would also likely want to see sight of any business plan if applying for purchase or development funding. If you have not already started to work on a business plan, I attach a couple of useful links which might help NWMCWCL when considering what information should be included in such plans for the assets.

<https://www.gov.uk/write-business-plan>

<http://www.smarta.com/tools/business-plans/>

<http://www.barclays.co.uk/Startupsupport/Writingasmallbusinessplan/P1242559649359>

I also attach a document which you might find useful. It's based on information we have received from groups in the past which should give you an indication of what to include in any business plan to help support the proposals.

If not already doing so, we would recommend NWMCWCL now consider options for obtaining funding to:

- help with the purchase and
- help with any future development work upon successful purchase.

We encourage groups to cast their funding web wider than just one funder (as you need to keep in mind what would happen if you were unable to get the funding from the one source, or the value comes out at more than what your sole funder can fund up to). I therefore attach a couple of useful links which might be helpful in seeing what funders are out there and what they fund in relation to either purchase or development.

<http://www.scotland.gov.uk/Topics/Built-Environment/regeneration/communityfunds>

<http://community-toolkit.org.uk/Funding/find-funders.htm>

<http://www.scotland.gov.uk/Topics/farmingrural/Rural/rural-land/right-to-buy/fund>

<http://www.fundingscotland.com/>

I hope the above is helpful and if you have any queries please get in touch.

As advised, we will be in touch once the balloter is appointed to provide further guidance documents and to make arrangements to visit NWMCWCL to provide further guidance on the next stage.

Best regards



This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return. Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

<Guidance - Business Plan top tips.docx>

<NWMCWC - CB00221 - Valuer appointment letter - 17 October 2017.docx>

<NWMCWCL - CB00221 - Timeline - Trigger Right to Buy - 25 October 2017.xls>

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



Mr A C Watson MRICS
Valuation Office Agency
Inverness Valuation Office
River House
Young Street
Inverness
IV3 5BN

Our ref: CB00221
17 October 2017

Dear Mr Watson

**LAND REFORM (SCOTLAND) ACT 2003: PART 2 COMMUNITY RIGHT TO BUY
NORTH WEST MULL COMMUNITY WOODLAND COMPANY LIMITED
COMMUNITY INTEREST IN LAND CONSISTING OF THE ISLE OF ULVA AND
ASSOCIATED SMALLER ISLANDS INCLUDING LAND AT ULVA FERRY, MULL**

Under section 39(4) of the Act, Scottish Ministers have decided the above "Late" interest should be registered. Under section 39(4)(c) Scottish Ministers have therefore deemed to have received confirmation that North West Mull Community Woodland Company Limited in terms of section 49 of the Act, intend to exercise their right to buy the Isle of Ulva and associated smaller island, including land at Ulva Ferry, Isle of Mull.

I should be grateful therefore if you would arrange for an independent valuation assessment of the land to be carried out as per sections 59 and 60 of the Act. In this case, applying section 59(4)(b) of the Act requires a valuation of the land as at 9 October 2017.

Intimation of the valuation of the land is to be within 8 weeks of the date of this letter (**i.e. by 12 December 2017**).

Should you require an extension to perform this valuation you are required to make an application to Scottish Ministers within 21 days of this letter.

I enclose a copy of the application which details the

- The community body contact details;
- The landowner contact details;
- Description of the land and;
- maps of the area to be valued.



Further details of the case can be viewed on the Register of Community Interest in Land website. If you require any further information, then please get in touch.

Yours sincerely


On behalf of Scottish Ministers

Community Right to Buy - "Trigger" Right to Buy (Standard Timeline)

For:

NORTH WEST MULL COMMUNITY WOODLAND COMPANY LIMITED - CB00221

KEY

pre acceptance of RTB	Ministerial Decision
Valuation deadlines	Purchase deadlines
Ballot deadlines	

<u>ACTION</u>	<u>COMMENT</u>	<u>DATE INPUT</u>	<u>DEADLINE</u>
Landowner intimates land is for sale	Notice given to Scottish Ministers (SM) and Community Body (CB) under S48(1) -- As this is a "Late" notification of sale is deemed to by date of Scottish Ministers decision S39	09/10/17	09/10/17
Within 7 days SM write to CB to ask if they want to proceed with the CRtB	S49(2) Copy of letter to CB also issued to owner -- As this is a "Late" no request to CB made - CB are deemed to have said yes on date of Scottish Ministers decision, therefore no deadline date S39	09/10/17	N/A
<u>CB reply within 30 days</u>	CB should respond within this deadline ensuring that they note their intention to proceed S49(4). If CB no longer wish to proceed then application deleted and prohibition removed. As this is a "Late" no request to CB made - CB are deemed to have said yes on date of Scottish Ministers decision, therefore no deadline date S39	09/10/17	N/A
If CB replies positively, SG appoint valuer within 7 days.	Valuer appointed under S59(1) will contact CB and landowner for their views S60(1). Any views received are passed for cross representation S60(1A)	17/10/17	N/A
Within 28 days of appointing the valuer Ministers appoint the balloter and send them relevant ballot information	Balloter appointed under S51A(3). CB to be notified of the balloter details S51A(4)		14/11/17
VALUATION DEADLINE REPORT ISSUED	<u>Valuer has 8 weeks</u> from appointment to produce valuation report S60(2). Valuer can apply to SM for extension to this date if required.		12/12/17
<u>CB have 7 days</u> from valuation deadline to provide balloter with relevant information	Within 7 days of valuation notification CB to provide balloter with wording for ballot.S51A(5). CB also to provide other relevant information S51A(6) (i.e. Schedule 10 information)		19/12/17

21 days to appeal valuation to Lands Tribunal Scotland	CB or Landowner may appeal the valuation to the Lands Tribunal S62 CB or landowner to advise SM of appeal within 7 days of lodging S62(8A)		02/01/18
Lands Tribunal Scotland to make decision on appeal.	Land Tribunal Scotland have between 4 to 8 weeks from the hearing to provide a written statement on the findings		N/A
CB to supply Section 51B information to Ministers by this date.	CB to supply the information required in the S51B Information Form. This can include submitting a Business Plan as evidence also		09/01/18
DEADLINE FOR BALLOT RESULTS TO BE SENT	Ballot to be concluded within 12 weeks of the appointment of the valuer. Ballot result to be notified to SM, CB, landowner and creditor S52(3) and (4).		09/01/18
SM can request further information in relation to the ballot from the balloter or CB. SM can also request from the CB further information in relation to the S51B information	Request to be within 7 days from ballot receipt and receipt of information in relation to 51B form		16/01/18
CB or balloter have 7 days to provide the information requested by SM on ballot. CB have 7 days to provide the information requested by SM on the S51B Information	Information to SM within 7 days from request		23/01/18
Publication of ballot result	Within 14 days of the ballot return the balloter will arrange for result to be published in local newspaper		23/01/18
CB have 14 days from ballot result to make any representation to SM regarding circumstances effecting the ballot	CB have 14 days to make any representations to Ministers on anything effecting the ballot result S51C(1). Copy also to be sent to the owner S51C(2)(b). If representation received a period of cross representation will follow - seperate timeline will be provided. The timings below will continue if no representation received.		23/01/18
CB, Landowner or creditor can appeal the ballot within 21 days of results	SM can review a ballot, but the request must be within 21 days after ballot results notified to SM. If representation received a separate timeline will be provided. The timing below will continue if no appeal received		30/01/18
MINISTERIAL DECISION	SM make decision 21 days following receipt of ballot result		30/01/18
CB, Landowner, 3rd parties or creditor have 28 days to appeal to sheriff on Ministers' decision.	S61 refers.		27/02/18
Deadline for concluding missives/transferring funds:	S 56(3) refers. 8 months from CB's confirmation to proceed with CRtB. Extension to deadline can be agreed by CB and landowner		N/A

	Where S39 applies, 8 months from Ministers' approval of registration (this is the equivalent of the CB saying YES. Extension to deadline can be agreed by CB and landowner	09/06/18	
	Where valuation is appealed, 2 months from appeal decision (where longer than 4 months). Extension to deadline can be agreed by CB and landowner	N/A	
Balloter retains ballot papers for 2 years from date of ballot.	Regulation 8 refers.		09/01/20

Business Plan top-tips

A business plan gives an outline of your business, the market in which it will operate and how it aims to make money - and you should be able to answer this question:

- ***Why will your business succeed when so many others fail?***

Business plans are useful tool to ensure your business is progressing as planned, and can also assist your business in obtaining loans or funding. It's really important that potential investors can understand what your business is all about from a quick glance at your plan. Make sure you include a summary of your business, and how it will make money right from the start.

The following document has been developed only as a useful handy tip guidance document to show you what information you may wish to consider including in a business plan.

IT IS NOT A definitive guide on what to include in your business plan.

There are different models and styles available. It is for you to determine what information to include in your business plan, the model, the style, layout etc.

This top tip document has been designed based on information that is readily available on numerous business plan development websites, and from previous business plans that have been received by Scottish Minister, as part of the Community Right to Buy.

Below are a couple of useful web-links on business plans develop (they are many more) we recommend you read them.

<https://www.gov.uk/write-business-plan>

<http://www.bgateway.com/business-guides/first-steps/business-plan-template>

<http://www.barclays.co.uk/Startupsupport/Writingasmallbusinessplan/P1242559649359>

<https://www.princes-trust.org.uk/help-for-young-people/tools-resources/business-tools/business-plans>

<http://www.scvo.org.uk/running-your-organisation/finance-business-management/business-and-strategic-planning/writing-a-business-plan/>

In the end it is your business plan and it is for you to determine how much or how little you put into a business plan. However the less information supplied in such business plan may impact on whether you receive the required funding to achieve your aims

Your Business Plan should contain at least the following useful information.

- 1. Contents page**
- 2. Executive Summary - included such information as:**
 - ❖ Background to the company and who you serve
 - ❖ Your vision/aim (including your objectives or purposes)
 - ❖ What the business plan is meant to show
- 3. Overview of project – included such information as:**
 - ❖ History of your plans, and how you got to where you are
 - ❖ History of site
 - ❖ What you want to use it for and why
 - ❖ Are you bringing new services to the area (if yes, like what)
 - ❖ What are the key periods when it can be used (i.e gala days, after school)
- 4. Strategy – included such information as:**
 - ❖ How you plan to implement your plans for the site
 - ❖ When you expect it to be operational (or part operational)
- 5. Asset – included such information as:**
 - ❖ Description of the asset
 - ❖ Development plans for the asset (what you going to do with it physically)
 - ❖ Purchase and Development timescales
 - ❖ Environmental improvements
- 6. Market Research - included such information as:**
 - ❖ How you identified the need (i.e research done)
 - ❖ How you aim to encourage use of it (marketing)
 - ❖ Any competitors
 - ❖ Are your plans based on research from other examples
 - ❖ Who is it aimed at (what section of the community – young, old, unemployed, mental health people, children, parents, etc)
- 7. Management structure/Skills & Support - included such information as:**
 - ❖ Membership numbers
 - ❖ Directorship information
 - ❖ What skills the company have
 - ❖ How will you address skill short falls
 - ❖ Do you have outside support for proposals
 - ❖ Support for plans (i.e ballot results and letters of support form a/n other organisations etc)
- 8. Financial & legal - included such information as:**

- ❖ Estimate purchase and development costs, and from what sources
- ❖ Yearly financial projects (incomings and outgoings) for first 5 years
- ❖ Financial projections long-term (say in years' time)
- ❖ Re-investment plans
- ❖ Provide details of any legal issues need to be aware off (planning, insurances, liabilities, banking etc)

9. Social Impacts for the community - included such information as:

- ❖ What benefits it will bring (i.e jobs include numbers, training, the wider social, economic, environmental benefits to the community) – Q15(b) of CRtB application might help here
- ❖ Wider benefits to neighbouring area's
- ❖ Job creation or training opportunities

10. Risk Assessments - included such information as:

- ❖ What risks have been identified
- ❖ How will you aim to address any potential risks

11. Monitoring & the future - included such information as:

- ❖ What monitoring will you do to gauge success or future improvements
- ❖ How will community be kept up to date
- ❖ Where you expect to be in 10 years

> Please could you advise where I can find a S51(B) form?

> regards

> John

>

>

> This email has been scanned by the Symantec Email Security.cloud service.

> For more information please visit <http://www.symanteccloud.com>

>

>

> *****

> This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

>

> Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

>

>

> Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil.

>

> Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

> *****

>

>

This email has been scanned by the Symantec Email Security.cloud service.

For more information please visit <http://www.symanteccloud.com>

From: [REDACTED]
Sent: 02 November 2017 15:39
To: John Addy [REDACTED] colin@nwmullwoodland.co.uk; Ian A Hepburn <ian_nwmullwoodland@btconnect.com> (ian_nwmullwoodland@btconnect.com)
Subject: North West Mull Community Woodland Company Limited - CB00221 - Community Right to Buy - Additional Trigger Paperwork For next stage

Hi John

Sorry about the delay, this is due to on-going workload pressures.

As you know the valuer was appointed 17 October 2017. As a result Scottish Ministers are required to appoint the independent balloter within 28 days. The independent balloter was appointed on 2 November 2017 (copy of the letter attached). Someone from the ERS will be in touch in due course over the ballot.



[REDACTED]
NWMCWOC1 -
CB00221 - Ballot...

There contact details are
The Election Centre, 33 Clarendon Road, London N8 0NW
T: 020 8365 8909 DD
Visit their website at: www.electoralreform.co.uk

The ballot results are now therefore to be with Scottish Ministers by the **9 January 2018**.

In order to ensure a smooth ballot, North West Mull Community Woodland Company Limited are required to provide information to the balloter within prescribed timings. Details of which are found in the Timeline (attached) and in the 2015 Community Right to Buy Regulations (attached). We also attach a handy Trigger flow-chat



[REDACTED]
NWMCWOC1 - Legislation - Land Guidance - CRB
CB00221 - Timel... Reform Scot... trigger timel...

In order to help we attach an example ballot question, that North West Mull Community Woodland Company Limited could consider rewording to meet their needs and provide to the balloter.



[REDACTED]
Template -
Trigger - Ballot ...

North West Mull Community Woodland Company Limited are also required to supply to the Balloter with a completed Schedule 10 form, that will accompany the ballot question. We attach a blank version for North West Mull Community Woodland Company Limited.



Template - Form
- Schedule 10...

North West Mull Community Woodland Company Limited are also required (at the time the ballot results are to be returned to Scottish Ministers, to provide Scottish Ministers with a completed Section 51B Information Form (attached). This is used by Scottish Ministers when considering whether to consent to the Right to Buy or not. The form allows for Community groups to inform Scottish Ministers what (if any) supporting information they are supplying (i.e a Business Plan/Feasibility study etc). I also attached a helpful Business Plan top-tip document for use in preparing any future business plans



Template - Form Guidance -
- Section 51B... Business Plan to...

All the attached documents will be discussed when we visit, along with timelines, who does what when, and what support we can provide North West Mull Community Woodland Company Limited, funding etc.

Regarding a visit, we are planning on a visit sometime W/C 13 November 2017 (either the 14/15 or 16). Given time to travel to Mull from Edinburgh an evening meeting would be helpful for ourselves. It also means we can always visit Ulva Ferry the next day to at least look at the land on Mull, and look over to the Isle of Ulva. I would be grateful if you could confirm which day is best for the group.

If not already doing so, I would recommend North West Mull Community Woodland Company Limited apply for stage 2 Scottish Land Fund funding as well as applying to other funders. Please note – there is more than the Scottish Land Fund out there for community groups to apply to (both for purchase and development costs). To help you further I also attach a link to numerous funding options that North West Mull Community Woodland Company Limited may wish to review, and if need be, consider approaching these funders.

<http://www.gov.scot/Topics/farmingrural/Rural/rural-land/right-to-buy/fund>

Please Note – I am on leave 3 to 13 November. My colleagues Ian Heron and Iain Manthorpe are monitoring my inbox while I'm on leave, so will be able to pick on the visit arrangements with you while I'm off.

At this time, there is nothing much for the community to do regarding the Trigger stage, unless you want to have a look at preparing a “draft” question or filling out a “draft” schedule 10 form or preparing “draft” ballot promotional material. Otherwise, please continue in developing any business plan and obtaining funding. If you have questions or “drafts”, then it may be best to compile a list and send them on Friday 10 November, so that we can review them and be able to answer them when we meet up.

Hope this is helpful. As said, it will all be discussed (and hopefully made clear) when we visit.



[REDACTED]

[REDACTED]



[REDACTED]

FAO Munni Musa
Electoral Reform Services
The Election Centre
33 Clarendon Road
London
N8 0NW

Our ref: CB00221

2 November 2017

Dear Munni Musa

LAND REFORM BALLOT SERVICES: APPOINTMENT TO CONDUCT A BALLOT UNDER THE LAND REFORM (SCOTLAND) ACT 2003: PART 2 COMMUNITY RIGHT TO BUY APPOINTMENT TO CONDUCT A BALLOT ON BEHALF OF NORTH WEST MULL COMMUNITY WOODLAND COMPANY LIMITED

The Electoral Reform Services Ltd was awarded the contract to conduct the independent ballots under section 51A of the Land Reform (Scotland) Act 2003.

Under section 39(4) of the Act, Scottish Ministers have decided the above "Late" interest should be registered. Under section 39(4)(c) Scottish Ministers have therefore deemed to have received confirmation that North West Mull Community Woodland Company Limited in terms of section 49 of the Act, intend to exercise their right to buy the Isle of Ulva and associated smaller island, including land at Ulva Ferry, Isle of Mull.

The valuer was appointed on 17 October 2017, therefore intimation of the ballot results to Scottish Ministers, the Community, the landowner, and any heritable creditors shall be by **9 January 2018** (i.e within 12 weeks of the valuer appointment).

The Electoral Reform Services Ltd are officially appointed to conduct the ballot on behalf of Scottish Ministers by all means open to them to ensure the ballot is so conducted in compliance with the legislation.

I will be grateful if you would arrange for an independent ballot of the North West Mull Community Woodland Company Limited defined community. This ballot is to be carried out in accordance with 52 of the Act, and under Part 7, regulations 13 to 18 of The Community Right to Buy (Scotland) Regulations 2015.



Please find enclosed

- A copy of North West Mull Community Woodland Company Limited application form, this can be viewed on the Register of Community Interest in Land (RCIL) website under case CB00221

<https://www.eservices.ros.gov.uk/rcil/ros/rcilcb/presentation//ui/pageflows/viewCountySummary.do>

The key documents to view are:

- nwmcwcl – application – 060917 r.pdf
- nwmcwcl – aofa – 060917.pdf
- nwmcwcl – map 1 – 060917.pdf

If you require sight of a restricted document then please contact ourselves.

- And a schedule 11 form to be completed as part of the return of the ballot results.

If you require anything else, please contact ourselves.

Yours sincerely


On behalf of Scottish Ministers

Community Right to Buy - "Trigger" Right to Buy (Standard Timeline)

For:

NORTH WEST MULL COMMUNITY WOODLAND COMPANY LIMITED - CB00221

KEY

pre acceptance of RTB	Ministerial Decision
Valuation deadlines	Purchase deadlines
Ballot deadlines	

<u>ACTION</u>	<u>COMMENT</u>	<u>DATE INPUT</u>	<u>DEADLINE</u>
Landowner intimates land is for sale	Notice given to Scottish Ministers (SM) and Community Body (CB) under S48(1) -- As this is a "Late" notification of sale is deemed to by date of Scottish Ministers decision S39	09/10/17	09/10/17
Within 7 days SM write to CB to ask if they want to proceed with the CRtB	S49(2) Copy of letter to CB also issued to owner -- As this is a "Late" no request to CB made - CB are deemed to have said yes on date of Scottish Ministers decision, therefore no deadline date S39	09/10/17	N/A
<u>CB reply within 30 days</u>	CB should respond within this deadline ensuring that they note their intention to proceed S49(4). If CB no longer wish to proceed then application deleted and prohibition removed. As this is a "Late" no request to CB made - CB are deemed to have said yes on date of Scottish Ministers decision, therefore no deadline date S39	09/10/17	N/A
If CB replies positively, SG appoint valuer within 7 days.	Valuer appointed under S59(1) will contact CB and landowner for their views S60(1). Any views received are passed for cross representation S60(1A)	17/10/17	N/A
Within 28 days of appointing the valuer Ministers appoint the balloter and send them relevant ballot information	Balloter appointed under S51A(3). CB to be notified of the balloter details S51A(4)		14/11/17
VALUATION DEADLINE REPORT ISSUED	<u>Valuer has 8 weeks</u> from appointment to produce valuation report S60(2). Valuer can apply to SM for extension to this date if required.		12/12/17
<u>CB have 7 days</u> from valuation deadline to provide balloter with relevant information	Within 7 days of valuation notification CB to provide balloter with wording for ballot.S51A(5). CB also to provide other relevant information S51A(6) (i.e. Schedule 10 information)		19/12/17

21 days to appeal valuation to Lands Tribunal Scotland	CB or Landowner may appeal the valuation to the Lands Tribunal S62 CB or landowner to advise SM of appeal within 7 days of lodging S62(8A)		02/01/18
Lands Tribunal Scotland to make decision on appeal.	Land Tribunal Scotland have between 4 to 8 weeks from the hearing to provide a written statement on the findings		N/A
CB to supply Section 51B information to Ministers by this date.	CB to supply the information required in the S51B Information Form. This can include submitting a Business Plan as evidence also		09/01/18
DEADLINE FOR BALLOT RESULTS TO BE SENT	Ballot to be concluded within 12 weeks of the appointment of the valuer. Ballot result to be notified to SM, CB, landowner and creditor S52(3) and (4).		09/01/18
SM can request further information in relation to the ballot from the balloter or CB. SM can also request from the CB further information in relation to the S51B information	Request to be within 7 days from ballot receipt and receipt of information in relation to 51B form		16/01/18
CB or balloter have 7 days to provide the information requested by SM on ballot. CB have 7 days to provide the information requested by SM on the S51B Information	Information to SM within 7 days from request		23/01/18
Publication of ballot result	Within 14 days of the ballot return the balloter will arrange for result to be published in local newspaper		23/01/18
CB have 14 days from ballot result to make any representation to SM regarding circumstances effecting the ballot	CB have 14 days to make any representations to Ministers on anything effecting the ballot result S51C(1). Copy also to be sent to the owner S51C(2)(b). If representation received a period of cross representation will follow - seperate timeline will be provided. The timings below will continue if no representation received.		23/01/18
CB, Landowner or creditor can appeal the ballot within 21 days of results	SM can review a ballot, but the request must be within 21 days after ballot results notified to SM. If representation received a seperate timeline will be provided. The timing below will continue if no appeal received		30/01/18
MINISTERIAL DECISION	SM make decision 21 days following receipt of ballot result		30/01/18
CB, Landowner, 3rd parties or creditor have 28 days to appeal to sheriff on Ministers' decision.	S61 refers.		27/02/18
Deadline for concluding missives/transferring funds:	S 56(3) refers. 8 months from CB's confirmation to proceed with CRtB. Extension to deadline can be agreed by CB and landowner		N/A

	Where S39 applies, 8 months from Ministers' approval of registration (this is the equivalent of the CB saying YES. Extension to deadline can be agreed by CB and landowner	09/06/18	
	Where valuation is appealed, 2 months from appeal decision (where longer than 4 months). Extension to deadline can be agreed by CB and landowner	N/A	
Balloter retains ballot papers for 2 years from date of ballot.	Regulation 8 refers.		09/01/20

2015 No. 400

LAND REFORM

The Community Right to Buy (Scotland) Regulations 2015

Made - - - - *19th November 2015*

Laid before the Scottish Parliament *23rd November 2015*

Coming into force - - *15th April 2016*

CONTENTS

PART 1

Introductory and general

1. Citation, commencement, interpretation and application

PART 2

Community areas

2. Prescribed types of area

PART 3

Applications to register and re-register an interest in land

3. Specifications of maps, plans or other drawings
4. Application to register or re-register a community interest in land
5. Kinds of information to accompany an application to register or re-register a community interest in land

PART 4

Notices

6. Public notice of application to register a community interest in land where the owner or creditor is unknown or cannot be found
7. Salmon fishings or mineral rights: public notice of application to register a community interest in land where the owner or creditor is unknown or cannot be found
8. Notice by Ministers on whether a community interest in land is to be entered in the Register
9. Notification by an owner or creditor of proposed transfer of land
10. Notices following receipt of a notice under section 48 of the Act

PART 5
Late applications

11. Late applications: similar community bodies

PART 6
Exempt transfer

12. Exempt transfer: specifications of maps, plans or other drawings

PART 7
Ballots

13. Information to be provided to the ballotter by Ministers
14. Information to be provided to ballotter by community body
15. Conduct of ballot
16. Proxy Votes
17. Ballot results
18. Retention and provision of information by the ballotter
19. Ballot not conducted as prescribed
20. Conduct of further ballot

PART 8
Consent to right to buy

21. Consent to right to buy under section 51 of the Act: duty to provide information

PART 9
Compensation

22. Procedure for recovering losses and expenses under section 63 of the Act

PART 10
REVOCATIONS AND SAVINGS

23. Revocations and savings

SCHEDULE 1 — SPECIFICATION OF MAPS, PLANS AND OTHER DRAWINGS

PART 1 — REGISTER OF COMMUNITY INTERESTS IN LAND – SECTION 36(2)(f) OF THE ACT

PART 2 — DESCRIPTION OF AREA OF COMMUNITY

SCHEDULE 2 — FORM OF APPLICATION TO REGISTER A COMMUNITY INTEREST IN LAND – SECTION 37(1) OF THE ACT

SCHEDULE 3 — FORM OF APPLICATION TO RE-REGISTER AN INTEREST IN LAND – SECTION 37(1) OF THE ACT

SCHEDULE 4 — FORM OF PUBLIC NOTICE OF APPLICATION TO BE AFFIXED TO LAND – SECTION 37(4) OF THE ACT

- SCHEDULE 5 — FORM OF NOTICE UNDER SECTION 37(17) OF THE ACT OF MINISTERS’ DECISION ON WHETHER OR NOT A COMMUNITY INTEREST IS TO BE REGISTERED OR RE-REGISTERED
- SCHEDULE 6 — FORM OF NOTICE BY OWNER OR CREDITOR OF PROPOSED TRANSFER OF LAND UNDER SECTION 48(1) OF THE ACT
- SCHEDULE 7 — FORM OF NOTICE UNDER SECTION 49(2)(a) OF THE ACT
- SCHEDULE 8 — FORM OF NOTICE UNDER SECTION 49(2)(b) OF THE ACT
- SCHEDULE 9 — EXEMPT TRANSFER – DESCRIPTION OF LAND – SECTION 41(3)(b) OF THE ACT
- SCHEDULE 10 — INFORMATION TO BE PROVIDED TO BALLOTTER – SECTION 51A(6) OF THE ACT
- SCHEDULE 11 — RETURN OF BALLOT RESULTS – SECTION 52(3) OF THE ACT
- SCHEDULE 12 — FORM OF INFORMATION TO BE PROVIDED BY THE COMMUNITY BODY TO MINISTERS – SECTION 51B OF THE ACT

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 34(5), 36(2)(f), 37(1), (2), (4)(b), (4A), and (18)(b), 39(7)(c), 41(3)(b), 48(1) and (2), 49(2), 51A (2) and (6), 51B(2)(b), (3) and (4), 52(1), (3), and (7), 63(5) and 98(3) of the Land Reform (Scotland) Act 2003(a) and all other powers enabling them to do so.

PART 1

Introductory and general

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Community Right to Buy (Scotland) Regulations 2015 and come into force on 15th April 2016.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Land Reform (Scotland) Act 2003;

“application to register a community interest in land” means an application to register a community interest in land under section 37(1) of the Act;

“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(b);

“community interest in land” means a community interest in land registered under section 37(c) of the Act;

(a) 2003 asp 2. Section 98(1) contains definitions of “Ministers” and “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. Sections 34, 36, 37, 39, 41, 52 and 53 are relevantly amended by, and sections 51A and 51B inserted by, the Community Empowerment (Scotland) Act 2015 (asp 6) (“the 2015 Act”), sections 37, 39, 40, 42, 44, 49, 50 and 52, paragraph 8 of schedule 4 and schedule 5.

(b) 2005 asp 10.

(c) Section 37 is amended by section 40 of, and paragraph 8(2) of schedule 4 to, the 2015 Act.

“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^(a); and

“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^(b).

- (3) Parts 2 to 9 of these Regulations apply only in relation to—
- (a) an application to register a community interest in land made on or after 15th April 2016;
 - (b) a community interest in land which relates to an application to register a community interest in land made on or after 15th April 2016;
 - (c) any right to buy land arising under Part 2 of the Act in which a community interest in land has been registered, or the exercise of such a right, where that interest relates to an application to register a community interest in land made on or after 15th April 2016;
 - (d) a type of area specified in regulation 2 where—
 - (i) any such type of area relates to a community body; and
 - (ii) the community body makes an application to register a community interest in land on or after 15th April 2015;
 - (e) maps, plans or other drawings that must be provided under section 41(3)(b)(c) of the Act where these describe land in respect of which a community interest in land is registered and that interest relates to an application to register a community interest in land made on or after 15th April 2016;
 - (f) a notice or notification that is required to be—
 - (i) affixed to land as required by section 37(4)(b)(d) of the Act where the public notice under section 37(4)(b) is given on or after 15th April 2016;
 - (ii) sent under section 37(17) of the Act where the notice relates to an application to register a community interest in land made on or after 15th April 2016;
 - (iii) given under section 48(1) of the Act where the notification relates to land in respect of which a community interest in land is registered and that interest relates to an application to register a community interest in land made on or after 15th April 2016; or
 - (iv) sent by Ministers under section 49(2) of the Act where the notice relates to the exercise of a right to buy land arising under Part 2 of the Act in which the community interest in land relates to an application to register a community interest in land made on or after 15th April 2016;
 - (g) the procedure for recovering losses and expenses under section 63(1)(a) of the Act in relation to loss or expense incurred in complying with the procedural requirements of Part 2 of the Act in relation to—
 - (i) an application to register a community interest in land made on or after 15th April 2016;
 - (ii) a community interest in land that relates to an application to register a community interest in land made on or after 15th April 2016; or
 - (iii) any right to buy land arising under Part 2 of the Act in which a community interest in land has been registered, or the exercise of such a right, where that interest relates to an application to register a community interest in land made on or after 15th April 2016;

(a) 2006 c.46.

(b) 2014 c.14.

(c) Section 41(3) is inserted by section 44 of the 2015 Act.

(d) Section 37(4)(b) is amended by section 40(a) of the 2015 Act.

- (h) the procedure for recovering losses and expenses under section 63(1)(b) of the Act as a result of failure by a community body to comply with an order of the Lands Tribunal under section 57(a) of the Act in relation to any right to buy land arising under Part 2 of the Act in which a community interest in land has been registered, or the exercise of such a right, where that interest relates to an application to register a community interest in land made on or after 15th April 2016;
- (i) the procedure for recovering losses and expenses under section 63(1)(c) of the Act attributable to a prohibition imposed under section 37(5)(e) of the Act in relation to an application to register a community interest in land made on or after 15th April 2016; or
- (j) the procedure for recovering losses and expenses under section 63(1)(d) of the Act as a result of the operation of section 56(3)(a)(b) or (b) of the Act in relation to the exercise of any right to buy land arising under Part 2 of the Act in which a community interest in land has been registered where that interest relates to an application to register a community interest in land made on or after 15th April 2016.

PART 2

Community areas

Prescribed types of area

2. For the purposes of section 34(5)(c) of the Act, the types of area by reference to which a community shall be defined are—

- (a) an electoral ward within the meaning of section 1 of the Local Governance (Scotland) Act 2004(d);
- (b) the area of a community council established in accordance with Part IV of the Local Government (Scotland) Act 1973(e);
- (c) a postcode area, being an area given a unique alphabetic coding to facilitate the delivering of mail, being identified by one or two alphabetical characters at the start of the full postcode, the letters being derived from a town, city or district falling within that postcode area;
- (d) a postcode district, being a sub-area of a postcode area, identified by the characters within the first half of a full postcode, which may be numeric, alphabetic or alpha-numeric;
- (e) a postcode sector, being a sub-area of a postcode district, identified by the number third from the end of a postcode unit;
- (f) an island;
- (g) a settlement delineated on the maps attached to Scottish Settlements: Urban and Rural Areas in Scotland published on 5th February 2001(f); or
- (h) a locality delineated on the maps attached to Scotland's Census 2001: Key Statistics for Settlements and Localities Scotland published on 23rd March 2003(g).

(a) Section 57 is amended by section 55 of the 2015 Act.

(b) Section 56(3)(a) is amended by section 54(a) of the 2015 Act.

(c) Section 34(5) is amended by section 37(7) of the 2015 Act.

(d) 2004 asp 9.

(e) 1973 c.65. Section 51 is amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 14. Section 53 is amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c.23), section 25 and Schedules 2 and 4.

(f) A National Statistics publication, available via the following weblink <http://www.gro-scotland.gov.uk/statistics-and-data/geography/related-publications/scottish-settlements-urban-and-rural-areas-in-scotland>

(g) ISBN 1-874451-68-0. A National Statistics publication, available via the following weblink <http://www.nrsotland.gov.uk/statistics-and-data/census/2001-census/results-and-products/reports-and-data/key-statistics-for-settlements-and-localities-scotland>

PART 3

Applications to register and re-register an interest in land

Specifications of maps, plans or other drawings

3. The specifications to which maps, plans or other drawings are to be prepared for the purpose of section 36(2)(f) of the Act are specified in Part 1 of Schedule 1.

Application to register or re-register a community interest in land

4. For the purposes of section 37(1) of the Act, an application to register a community interest in land must—

- (a) except where it is an application to re-register a community interest in land, be provided in the form specified in Schedule 2; or
- (b) where a community body which has registered a community interest in land applies to re-register that interest(a), be provided in the form specified in Schedule 3.

Kinds of information to accompany an application to register or re-register a community interest in land

5. For the purposes of section 37(1), the kinds of information that must accompany an application to register a community interest in land are—

- (a) information concerning the community body's memorandum, articles of association, constitution or registered rules as the case may be;
- (b) information concerning the community body's company number, charity number or registration number as the case may be;
- (c) a description of the land to which the application to register a community interest in land relates, including maps or drawings prepared to the specifications referred to in Part 1 of Schedule 1; and
- (d) a description of the area of the community to which the community body relates by reference to maps or drawings which are prepared to the specifications in Part 2 of Schedule 1.

PART 4

Notices

Public notice of application to register a community interest in land where the owner or creditor is unknown or cannot be found

6. A notice that is required to be affixed to land as required by section 37(4)(b)(b) of the Act is to be in the form of notice specified in Schedule 4.

(a) Section 44(2) of the Act states that a community body which has registered a community interest may, at any time before the expiry of that period, apply under section 37 of the Act to re-register the interest.
(b) Section 37(4)(b) is amended by section 40(a) of the 2015 Act.

Salmon fishings or mineral rights: public notice of application to register a community interest in land where the owner or creditor is unknown or cannot be found

7.—(1) Subject to paragraph (2), for the purposes of section 37(4A)(a) of the Act, the community body must advertise the proposed application to register a community interest in land in at least one of the following ways—

- (a) by affixing a conspicuous notice to, or as near as practicable to, a part of the land in respect of which the salmon fishings or mineral rights to which the proposed application to register a community interest in land relates are exigible;
- (b) by affixing a conspicuous notice to a public notice board situated in, or as near as practicable to, a part of the land in respect of which the salmon fishings or mineral rights to which the proposed application to register a community interest in land relates are exigible; or
- (c) by placing an advertisement in a local newsletter, circular or similar document circulating in, or as near as practicable to, the land in respect of which the salmon fishings or mineral rights to which the proposed application to register a community interest in land relates are exigible.

(2) For the purposes of paragraph (1)(c), the local newsletter, circular or similar document may be in paper or electronic form.

Notice by Ministers on whether a community interest in land is to be entered in the Register

8. A notice that is required to be sent under section 37(17) of the Act containing the decision of Ministers whether or not a community interest in land is to be entered in the Register(b) is to be in the form of notice specified in Schedule 5.

Notification by an owner or creditor of proposed transfer of land

9. A notification that requires to be given under section 48(1) of the Act, by an owner of land in respect of which a community interest in land is registered or, as the case may be, a creditor in a standard security with a right to sell such land, is to be in the form of a notification specified in Schedule 6.

Notices following receipt of a notice under section 48 of the Act

10.—(1) A notice that is required to be sent by Ministers under section 49(2)(a) of the Act is to be in the form of notice specified in Schedule 7.

(2) A notice that is required to be sent by Ministers under section 49(2)(b) of the Act is to be in the form of notice specified in Schedule 8.

(a) Section 37(4A) is inserted by section 40(b) of the 2015 Act.

(b) Section 36(1) of the Act states that the Keeper shall set up and keep a register, to be known as the Register of Community interests in land (the “Register”).

PART 5

Late applications

Late applications: similar community bodies

11.—(1) The matters that Ministers must have regard to when considering under section 39(3)(ab)(a) of the Act, as read with section 39(7)(c)(b) of the Act, whether a community body is similar to another community body to a significant degree are—

- (a) whether any person who is a director, charity trustee or officer of the community body making the application to register a community interest in land is also a director, charity trustee or officer of another community body;
- (b) whether any member of the community body making the application to register a community interest in land is also a member of another community body;
- (c) the extent to which the purposes of each community body, as set out in its memorandum, articles of association, constitution or registered rules, are similar;
- (d) the extent to which the definitions of the communities to which each community body relates are similar, being the definitions included in each community body's articles of association, constitution or registered rules for the purposes of section 34(1)(a)(c), (1A)(a)(d) or (1B)(a)(e) of the Act as the case may be;
- (e) the date on which each community body was formed (in the case of a company limited by guarantee), constituted (in the case of a Scottish charitable incorporated organisation) or registered (in the case of a community benefit society); and
- (f) where applicable, the date on which one of the community bodies was dissolved (in the case of a company limited by guarantee or community benefit society) or removed from the Scottish Charity Register (in the case of a Scottish charitable incorporated organisation).

(2) For the purposes of paragraph (1)—

“director” means any person occupying the position of director of a company limited by guarantee, by whatever name called;

“charity trustee” means a person having general control and management of the administration of a Scottish charitable incorporated organisation; and

“officer” means, in relation to a community benefit society, any treasurer, secretary, member of the committee, manager or employee of the society.

PART 6

Exempt transfer

Exempt transfer: specifications of maps, plans or other drawings

12. The specifications to which maps, plans or other drawings are to be prepared when provided under section 41(3)(b)(f) of the Act are specified in Schedule 9.

-
- (a) Section 39(3)(ab) is substituted by section 42(4) of the 2015 Act.
 - (b) Section 39(7)(c) is inserted by section 42(9) of the 2015 Act.
 - (c) Section 34(1) is amended by section 37(3) of the 2015 Act.
 - (d) Section 34(1A)(a) is inserted by section 37(4) of the 2015 Act.
 - (e) Section 34(1B)(a) is inserted by section 37(4) of the 2015 Act.
 - (f) Section 41(3)(b) is inserted by section 44 of the 2015 Act.

PART 7

Ballots

Information to be provided to the ballotter by Ministers

13. The information that Ministers must provide to a ballotter under section 51A(2)(b)(a) of the Act is—

- (a) the date by which the ballotter must notify Ministers, the community body, the owner of the land to which the ballot relates and any creditor in a standard security with a right to sell the land of the information referred to in section 52(3)(b) of the Act; and
- (b) where Ministers have given the community body their consent in writing under section 35(1)(c) of the Act, a copy of the community body's modified memorandum, articles of association, constitution or registered rules.

Information to be provided to ballotter by community body

14. The information that the community body must provide to a ballotter under section 51A(6) of the Act must—

- (a) be provided in the form specified in Schedule 10; and
- (b) consist of the information specified in that Schedule.

Conduct of ballot

15.—(1) The ballot must be conducted as a secret postal ballot.

(2) The ballotter must ascertain the persons eligible to vote in the ballot, those persons being the members of the community as defined for the purposes of section 34(1)(a), (1A)(a) or (1B)(a) of the Act as the case may be(d).

(3) The ballotter must send to each person eligible to vote a ballot paper with—

- (a) the question on which the vote is to be taken;
- (b) a description of the land and any salmon fishings or mineral rights to which that question pertains; and
- (c) the date and time, being not less than 10 days after the date of posting, by which the paper must be returned.

(4) The ballotter must provide to each person eligible to vote a stamped addressed envelope for returning the completed ballot paper.

Proxy Votes

16.—(1) A person eligible to vote in the ballot may make a request, in writing, to the ballotter to be permitted a proxy vote.

(2) A request under paragraph (1) must—

- (a) state the name and address of the person eligible to vote;
- (b) state the name and address of the person whom the person eligible to vote wishes to appoint as a proxy;
- (c) be signed by the person eligible to vote;

(a) Section 51A is inserted by section 49 of the 2015 Act.

(b) Section 52(3) is amended by paragraph 8(4)(a) of schedule 4 to the 2015 Act.

(c) Section 35(1) is amended by section 38(3) of the 2015 Act.

(d) Section 34(5) of the Act sets out how a community shall be defined for the purposes of section 34(1)(a), (1A)(a) and (1B)(a) of the Act.

- (d) contain a statement confirming that the person who is eligible to vote has consulted the proxy and that the proxy is capable and willing of acting as proxy; and
- (e) be received by the ballotter not later than 1700 hours on the day before the date on which the ballot paper must be returned.

(3) The ballotter must permit a proxy vote to a person who makes a valid request in accordance with paragraphs (1) and (2).

Ballot results

17.—(1) The ballotter must, not later than 14 days from the date specified for the return of the ballot papers, publish in a newspaper circulating in the vicinity of the community—

- (a) the number of persons eligible to vote in the ballot;
- (b) the number of persons eligible to vote who voted; and
- (c) the number of votes cast for and against the proposition that the community body buy the land.

(2) A notification that is required to be made under section 52(3)(a) of the Act must be in the form of return specified in Schedule 11.

Retention and provision of information by the ballotter

18.—(1) The ballotter must retain—

- (a) all information provided to the ballotter by the community body in accordance with section 51A(6)(b) of the Act and regulation 14;
- (b) all completed ballot papers from any ballot conducted in accordance with regulations 15 to 17;
- (c) evidence of sending the ballot papers from any ballot conducted in accordance with regulations 15 to 17 to those persons eligible to vote;
- (d) all requests for a proxy vote made under regulation 16(1) in relation to any ballot conducted in accordance with regulations 15 to 17; and
- (e) a record of all proxy votes permitted in accordance with regulation 16(3) in relation to any ballot conducted in accordance with regulations 15 to 17,

for a period of 2 years after the date by which the ballot papers must be returned in accordance with regulation 15(3)(c).

(2) Within 28 days of receipt of a request, the ballotter must make available any information, ballot papers, evidence, requests or records mentioned in paragraph (1) for inspection by—

- (a) Ministers (for the purposes of conducting a review under regulation 19 or otherwise); or
- (b) any person with a right of appeal under section 61(c) of the Act.

Ballot not conducted as prescribed

19.—(1) Ministers may review whether a ballot was conducted in accordance with regulations 15 to 17—

- (a) at the request of—
 - (i) the community body;
 - (ii) the owner of the land; or
 - (iii) a creditor in a standard security with a right to sell the land; or

(a) Section 52(3) is amended by paragraph 8(4)(a) of schedule 4 to the 2015 Act.
(b) Section 51A is inserted by section 49 of the 2015 Act.
(c) Section 61 is amended by section 58 of, and schedule 5 to, the 2015 Act.

- (b) where they have reason to believe that the ballot may not have been conducted in accordance with regulations 15 to 17.
- (2) A request to Ministers under paragraph (1)(a) must—
- (a) be in writing;
 - (b) be received by Ministers not later than 21 days after the date on which the ballotter made the notification required under section 52(3)(a) of the Act; and
 - (c) set out the reasons why the person making the request has reason to believe that the ballot may not have been conducted in accordance with regulations 15 to 17.
- (3) Where Ministers decide to review whether a ballot was conducted in accordance with regulations 15 to 17, they must—
- (a) send—
 - (i) where the review is pursuant to a request under paragraph (1)(a), a copy of the request to the persons mentioned in paragraph (1)(a) (other than whichever of those persons made the request under paragraph (1)(a)) and to the ballotter; or
 - (ii) where Ministers are acting pursuant to paragraph (1)(b), a notice setting out their reasons to the persons mentioned in paragraph (1)(a) and to the ballotter; and
 - (b) invite those persons to provide them, so as to be received not later than 21 days after the sending of the invitation, views in writing on the request or, as the case may be, the notice.
- (4) Ministers must, within 7 days of receiving views sent in accordance with paragraph (3)(b)—
- (a) send to the persons mentioned in paragraph (1)(a) and to the ballotter a copy of any views given in response to an invitation under paragraph (3)(b); and
 - (b) invite those persons to send Ministers, so as to be received not later than 14 days after the sending of the invitation, any further views.
- (5) Ministers must, within the period specified in paragraph (6),—
- (a) consider—
 - (i) any written views sent in accordance with paragraphs (3) and (4); and
 - (ii) any information made available to Ministers by the ballotter in accordance with regulation 18(2);
 - (b) decide whether the ballot was conducted in accordance with regulations 15 to 17; and
 - (c) send notification to the persons mentioned in paragraph (1)(a) and the ballotter of their decision and the reasons for their decision.
- (6) The period specified in this paragraph is the period of 28 days beginning with the day after the day on which further views must be received by Ministers in accordance with paragraph (4)(b).
- (7) Where two or more requests are made under paragraph (1) in relation to the same ballot, Ministers may consider and decide upon those requests together.
- (8) If Ministers decide that a ballot has not been conducted in accordance with regulations 15 to 17, a further ballot must be conducted in accordance with regulation 20.

Conduct of further ballot

20.—(1) Subject to paragraphs (2) and (3), if, by virtue of regulation 19(8), a further ballot must be conducted, that further ballot must be conducted by a ballotter in accordance with the requirements of regulations 15, 16 and 17(1).

(a) Section 52(3) is amended by paragraph 8(4)(a) of schedule 4 to the 2015 Act.

(2) In any case where Ministers have given their consent in writing under section 35(1)(a) of the Act, Ministers must provide a copy of the community body's modified memorandum, articles of association, constitution or registered rules not later than 14 days after the date on which Ministers sent notification in accordance with regulation 19(5)(c).

(3) Within 14 days from the date on which Ministers sent notification in accordance with regulation 19(5)(c), the community body must provide to the ballotter the following information—

- (a) the name of the community body;
- (b) the company number, registration number or charity number of the community body as the case may be;
- (c) the contact details for the community body;
- (d) a description of the land and any salmon fishings or mineral rights in relation to which the community body is exercising its right to buy;
- (e) details of the community body's proposals for use of the land in relation to which it is exercising its right to buy;
- (f) details of where copies of the community body's proposals can be obtained by members of the community; and
- (g) the assessed value of the land and any moveable property which has been valued as notified to the community body by the valuer in accordance with section 60(2) of the Act.

(4) The ballotter must, within the period specified in paragraph (5), notify Ministers, the community body, the owner of the land to which the ballot relates and any creditor in a standard security with a right to sell the land of—

- (a) the name of the community body;
- (b) the date of the further ballot;
- (c) the result of the further ballot, including how many votes were spoilt;
- (d) the number of persons eligible to vote;
- (e) the number of persons eligible to vote who voted, including details of the number of proxy votes cast;
- (f) the number of persons eligible to vote who voted in favour of the proposition that the community body buy the land;
- (g) the wording of that proposition; and
- (h) details of any information provided by the ballotter to persons eligible to vote in the further ballot.

(5) The period specified in this paragraph is 35 days from the date on which Ministers sent notification in accordance with regulation 19(5)(c).

(6) The expenses of any further ballot conducted in accordance with this regulation are to be met by Ministers.

(7) In relation to a further ballot conducted in accordance with this regulation, the ballotter must retain—

- (a) all information provided to the ballotter by the community body in accordance with paragraph (3);
- (b) all completed ballot papers from the further ballot conducted in accordance with this regulation;
- (c) evidence of sending the ballot papers from the further ballot conducted in accordance with this regulation to those persons eligible to vote;
- (d) all requests for a proxy vote made under regulation 16(1) in relation to the further ballot conducted in accordance with this regulation; and

(a) Section 35(1) is amended by section 38(3) of the 2015 Act.

- (e) a record of all proxy votes permitted in accordance with regulation 16(3) in relation to the further ballot conducted in accordance with this regulation;

for a period of 2 years after the date by which the ballot papers must be returned in accordance with regulation 15(3)(c) in any further ballot conducted in accordance with this regulation.

(8) Within 28 days of receipt of a request, the ballotter must make available any information, ballot papers, evidence, requests or records mentioned in paragraph (7) for inspection by—

- (a) Ministers; or
- (b) any person with a right of appeal under section 61(a) of the Act.

PART 8

Consent to right to buy

Consent to right to buy under section 51 of the Act: duty to provide information

21. The information that must be provided by a community body in accordance with section 51B(1)(a)(b) of the Act must be—

- (a) provided in the form specified in Schedule 12; and
- (b) of the kind specified in that Schedule.

PART 9

Compensation

Procedure for recovering losses and expenses under section 63 of the Act

22.—(1) A claim for compensation under section 63(1)(a) of the Act in relation to loss or expense incurred in complying with the procedural requirements of Part 2 of the Act must be made within 90 days of the act or event which was last to occur as a result of compliance with those procedural requirements and which gave rise to part or all of the claim.

(2) A claim for compensation under section 63(1)(b) of the Act in relation to loss or expense incurred as a result of failure by a community body to comply with an order of the Lands Tribunal under section 57(c) of the Act must be made within 90 days of—

- (a) if at any time following the making of such an order of the Lands Tribunal under section 57(1) of the Act the community body, having failed to comply with the order, gives notice under section 54 of the Act that it no longer wishes to exercise its right to buy the land, the date of that notice; or
- (b) in a case where the Lands Tribunal makes an order under section 57(2) of the Act extinguishing the right to buy the land, the date of that order or the date on which any appeal of that order is finally determined or withdrawn.

(3) A claim for compensation under section 63(1)(c) of the Act in relation to loss or expense incurred which is attributable to a prohibition imposed under section 37(5)(e) of the Act must be made within 90 days of the date on which Ministers decide whether a community interest in land is to be registered in accordance with section 37(d) of the Act.

(a) Section 61 is amended by section 58 of, and schedule 5 to, the 2015 Act.

(b) Section 51B is inserted by section 50 of the 2015 Act.

(c) Section 57 is amended by section 55 of the 2015 Act.

(d) Section 37 is amended by section 40 of, and paragraph 8(2) of schedule 4 to, the 2015 Act.

(4) A claim for compensation under section 63(1)(d) of the Act in relation to loss or expense incurred as a result of the operation of section 56(3)(a)(a) or (b) of the Act must be made within 90 days of the date of payment of the price in terms of section 56(3)(a) or (b) of the Act.

(5) In the event of a claim for compensation in relation to loss or expense being made under more than one of paragraphs (1) to (4), the period of 90 days runs from whichever is the latest date applicable by virtue of any of the paragraphs relevant to the claim.

(6) A claim for compensation under section 63(1) of the Act must—

- (a) specify under which paragraph or paragraphs of section 63(1) of the Act the loss or expense falls; and
- (b) be accompanied by evidence of all losses and expenses incurred.

(7) The person making a claim for compensation under section 63(1) of the Act must be informed of the amount of compensation payable, as determined by Ministers, within 40 days of the submission of a claim that is in accordance with the requirements of this regulation.

PART 10

REVOCATIONS AND SAVINGS

Revocations and savings

23.—(1) Subject to paragraph (2), the Regulations specified in the table in Schedule 13 are revoked.

(2) Notwithstanding their revocation by paragraph (1), the Regulations specified in the table in Schedule 13 continue to have effect in respect of the following—

- (a) an application to register a community interest in land made before 15th April 2016;
- (b) a community interest in land which relates to an application to register a community interest in land made before 15th April 2016;
- (c) any right to buy land arising under Part 2 of the Act in which a community interest in land has been registered, or the exercise of such a right, where that interest relates to an application to register a community interest in land made before 15th April 2016;
- (d) an application (whether made before, on or after 15th April 2016) under section 57(1) of the Act in respect of land where the community interest in land relates to an application to register a community interest in land made before 15th April 2016;
- (e) the exercise of any power of the Lands Tribunal to make an order or to do any other act under section 57(b) of the Act where such order or act is in relation to a community interest in land that relates to an application to register a community interest in land made before 15th April 2016;
- (f) an appeal (whether made before, on or after 15th April 2016) under section 61(c) of the Act—
 - (i) against a decision mentioned in subsection (1)(a) or (3)(a) of that section where the appeal is in relation to a decision by Ministers that a community interest in land is to be entered in the Register and that community interest in land relates to an application to register a community interest in land made before 15th April 2016;
 - (ii) against a decision mentioned in subsection (1)(b) or (3)(b) of that section where the appeal is in relation to a decision by Ministers to give consent to the exercise by a community body of its right to buy land where the community interest in land relates

(a) Section 56(3)(a) is amended by section 54(a) of the 2015 Act.

(b) Section 57 is amended by section 55 of the 2015 Act.

(c) Section 61 is amended by section 58 of, and schedule 5 to, the 2015 Act.

- to an application to register a community interest in land made before 15th April 2016;
- (iii) against a decision mentioned in subsection (2)(a) of that section where the appeal is in relation to a decision by Ministers that a community interest is not to be entered in the Register and the community interest relates to an application to register a community interest in land made before 15th April 2016; or
 - (iv) against a decision mentioned in subsection (2)(b) of that section where the appeal is in relation to a decision by Ministers not to give consent to the exercise by a community body of its right to buy land where the community interest in land relates to an application to register a community interest in land made before 15th April 2016;
- (g) the procedure for recovering losses and expenses under section 63(1)(a) of the Act in relation to loss or expense incurred in complying with the procedural requirements of Part 2 of the Act in relation to-
- (i) an application to register a community interest in land made before 15th April 2016;
 - (ii) a community interest in land that relates to an application to register a community interest in land made before 15th April 2016; or
 - (iii) any right to buy land arising under Part 2 of the Act in which a community interest in land has been registered, or the exercise of such a right, where that interest relates to an application to register a community interest in land made before 15th April 2016;
- (h) the procedure for recovering losses and expenses under section 63(1)(b) of the Act as a result of failure by a community body to comply with an order of the Lands Tribunal under section 57(a) of the Act in relation to any right to buy land arising under Part 2 of the Act in which a community interest in land has been registered, or the exercise of such a right, where that interest relates to an application to register a community interest in land made before 15th April 2016;
- (i) the procedure for recovering losses and expenses under section 63(1)(c) of the Act attributable to a prohibition imposed under section 37(5)(e) of the Act in relation to an application to register a community interest in land made before 15th April 2016;
- (j) the procedure for recovering losses and expenses under section 63(1)(d) of the Act as a result of the operation of section 56(3)(a)(b) or (b) of the Act in relation to the exercise of any right to buy land arising under Part 2 of the Act in which a community interest in land has been registered where that interest relates to an application to register a community interest in land made before 15th April 2016;
- (k) an appeal (whether made before, on or after 15th April 2016) under section 64 of the Act against a decision of Ministers on compensation under section 63(1)(a) of the Act in relation to complying with the procedural requirements of Part 2 of the Act in relation to—
- (i) an application to register a community interest in land made before 15th April 2016;
 - (ii) a community interest in land that relates to an application to register a community interest in land made before 15th April 2016; or
 - (iii) the exercise in accordance with Part 2 of the Act of a right to buy land where the community interest in land relates to an application to register a community interest in land made before 15th April 2016;
- (l) an appeal (whether made before, on or after 15th April 2016) under section 64 of the Act against a decision of Ministers on compensation under section 63(1)(b) of the Act in relation to a failure by a community body to comply with an order of the Lands Tribunal under section 57 of the Act concerning a community interest in land that relates to an application to register a community interest in land made before 15th April 2016;

(a) Section 57 is amended by section 55 of the 2015 Act.

(b) Section 56(3)(a) is amended by section 54(a) of the 2015 Act.

- (m) an appeal (whether made before, on or after 15th April 2016) under section 64 of the Act against a decision of Ministers on compensation under section 63(1)(c) of the Act in relation to a prohibition imposed under section 37(5)(e) of the Act concerning an application to register a community interest in land made before 15th April 2016; or
- (n) an appeal (whether made before, on or after 15th April 2016) under section 64 of the Act against a decision of Ministers on compensation under section 63(1)(d) of the Act in relation to the operation of section 56(3)(a) or (b) of the Act concerning a community interest in land that relates to an application to register a community interest in land made before 15th April 2016.

St Andrew's House,
Edinburgh
19th November 2015

AILEEN McLEOD
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulations 3 and 5

SPECIFICATION OF MAPS, PLANS AND OTHER DRAWINGS

PART 1

REGISTER OF COMMUNITY INTERESTS IN LAND – SECTION 36(2)(f) OF THE ACT

1. Maps, plans or other drawings 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.

2. Where salmon fishings or mineral rights are the subject of the application to register a community interest in land, the land in respect of which the salmon fishings or mineral rights are exigible must be clearly marked on the map, plan or other drawing.

PART 2

DESCRIPTION OF AREA OF COMMUNITY

3. Maps or drawings 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 area of the community to be fixed accurately;
- (e) show the boundaries of the area of the community; and
- (f) where measurements are given, give those measurements to one decimal place.

SCHEDULE 2

Regulation 4(a)

FORM OF APPLICATION TO REGISTER A COMMUNITY INTEREST IN LAND – SECTION 37(1) OF THE ACT

Official Use	
Code	APP
Received Date	



<p align="center">Land Reform (Scotland) Act 2003: Part 2 Community Right to Buy Application to register a community interest in land</p>
--

This form can be:

- Downloaded and completed electronically, or
- Downloaded and completed manually using black or blue ink and in capital letters

Please mark an “X” in the appropriate box to indicate the type of application being submitted.

Timeous application – Where the land is not on the market and action has not been taken by the owner of the land, or creditor in a standard security with a right to sell the land, with a view to transfer of the land.

Late application – Where the land is on the market or any other action has been taken by the owner of the land, or creditor in a standard security with a right to sell the land, with a view to transfer of the land.

SECTION 1 — WHO IS APPLYING

1.1 Name of the community body (“CB”) applying to register a community interest in land.

Name of Community Body	
-------------------------------	--

SECTION 2 — DETAILS OF WHO IS APPLYING

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

Postal Address:	
Town:	
County:	
Country:	
Postcode:	

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

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

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

<input type="checkbox"/>	Company Limited by Guarantee (CLBG) and its company number is:	<input type="text"/>
<input type="checkbox"/>	Scottish Charitable Incorporated Organisation (SCIO) and its charity number is:	<input type="text"/>
<input type="checkbox"/>	Community Benefit Society (BenCom) and its registration number is:	<input type="text"/>
<input type="checkbox"/>	This application must be accompanied by a copy of the CB's governing documents (i.e. memorandum, articles of association, constitution or registered rules) and evidence of its company, charity or registration number. Please mark an "X" confirming that such a copy and evidence accompanies this application.	

2.4 Please provide the definition of the community as set out in the CB's governing document in accordance with section 34(1)(a), 34(1A)(a) or 34(1B)(a) of the Land Reform (Scotland) Act 2003.

--

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 Part 2 of Schedule 1 to the Community Right to Buy (Scotland) Regulations 2015, and

(b) describe(s) the area of the community to which the community body relates.

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

2.6 Please provide:

(A)	The total number of members in the CB.	<input type="text"/>
(B)	A breakdown of the total number of each different type(s) of membership as stated in the CB's governing document (i.e. memorandum, articles of association, constitution or registered rules).	
(C)	The membership details (i.e. names, address and membership type of the CB's members).	

SECTION 3 — THE LAND TO BE REGISTERED

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

Building(s)	<input type="checkbox"/>	Recreational land	<input type="checkbox"/>	If other type of land, salmon fishings or mineral rights please state below
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"/>	Croft Land	<input type="checkbox"/>	
<input type="text"/>				

3.2 What is the estimated area of the land (or land in respect of which the salmon fishings or mineral rights are exigible)?

3.3 What county is the land (or land in respect of which the salmon fishings or mineral rights are exigible) located in?

3.4 Please provide a written description of the land to which this application relates (e.g. the location of such land or land in respect of which salmon fishings or mineral rights are exigible within the community; postcodes covering the land; the condition of the land; its northern, southern, eastern and western boundaries, measurements if applicable).

3.5 This application must be accompanied by one or more maps or drawings, which:

(a) is/are prepared to the specifications referred to in Part 1 of Schedule 1 to the Community Right to Buy (Scotland) Regulations 2015, 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.

3.6 Please mark an "X" to indicate whether this application is to register an interest in salmon fishings which are owned separately from the land in respect of which they are exigible.

YES NO

If "Yes", please provide details of the salmon fishings, including details of ownership.

3.7 Please mark an “X” to indicate whether this application is to register mineral rights which are owned separately from the land in respect of which they are exigible.

YES NO

If “Yes”, please provide details of mineral rights, including details of ownership.

3.8 Please mark an “X” to indicate whether any of the following apply to the land, or any part of the land, in relation to the land to which this application relates.

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	Planning permission.
<input type="checkbox"/>	<input type="checkbox"/>	An outstanding planning application relating to it.
<input type="checkbox"/>	<input type="checkbox"/>	Indicated as suitable for development in the local authority's local development plan.
<input type="checkbox"/>	<input type="checkbox"/>	Subject of a compulsory purchase order.
<input type="checkbox"/>	<input type="checkbox"/>	Any burden(s) on, or restrictions on use of, the land.

If “Yes” to any of the above, please provide details.

3.9 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 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.

SECTION 4 — OWNERSHIP & INTERESTS

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

NOTE - If the owner's details are unknown, please state "Unknown" at 4.1 and proceed to 4.3.

<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>	
---	--

4.2 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).

4.3 Please list the names and addresses of all persons whom the CB are aware have legally enforceable rights and interests (e.g. all persons with leases, any creditor in a standard security over the land) in all or part of the land to which this application relates and detail those rights and interests.

4.4 Please confirm what checks were carried out (including by whom and when) to establish who owns the land to which this application relates and whether there are any creditors in a standard security with a right to sell the land.

4.5 If the owner(s) or any creditor in a standard security with a right to sell the land is unknown or cannot be found please provide details of the steps taken by the CB in accordance with section 37(4) of the Land Reform (Scotland) Act 2003.

SECTION 5 — LATE APPLICATION EVIDENCE

- If you have indicated that this is a “Late” application, **you should complete this section.**
- If you have indicated that this is a “Timeous” application, you **do not** need to complete this section and should **continue to section 6.**
- CBs are required to demonstrate a significantly greater level of community support than the expected 10% required for “Timeous” applications. **Please provide this evidence of support at section 6.**

- CB's are required to provide strongly indicative reasons of why the "Late" application is in the public interest. **Please provide this information at section 8.**

5.1 Please provide details of all relevant work carried out or steps taken by any person with a view to an application being made by the CB to register an interest in relation to either (a) the land to which this application relates or (b) other land with a view to such land being used for purposes that are the same as those proposed for the land in relation to which this application relates:

5.2 If the CB did not carry out any relevant work or take relevant steps as set out in section 5.1, then please provide:

(A) Reasons why such relevant work was not carried out or relevant steps not taken.

(B) Reasons why the "Late" application should be approved by Ministers despite such relevant work not having been carried out or relevant steps not having been taken.

5.3 Please mark an "X" in one box to confirm whether the owner, or as the case may be, creditor, offered to sell the land to which this application relates to the CB within the last 12 months?

YES NO

If "Yes", please provide reasons why the CB did not proceed to buy the land.

5.4 Please mark an “X” in one box to confirm whether, to the CB’s knowledge, the owner or as the case may be, creditor, offered to sell the land to which this application relates to another CB within the last 12 months?

YES NO

If “Yes”, please provide reasons (if known) why that CB did not proceed to buy the land.

SECTION 6 — COMMUNITY SUPPORT

6.1 Please mark an “X” in one box to confirm whether 10% of the members of the community have indicated approval of the registration of the community interest to which this application relates.

YES NO

If “No”, please explain why there is, within the community, a sufficient level of support to justify the registration.

6.2 Please provide:

(A) Evidence and details of support obtained, including the date on which the approval of each member of the community was indicated:

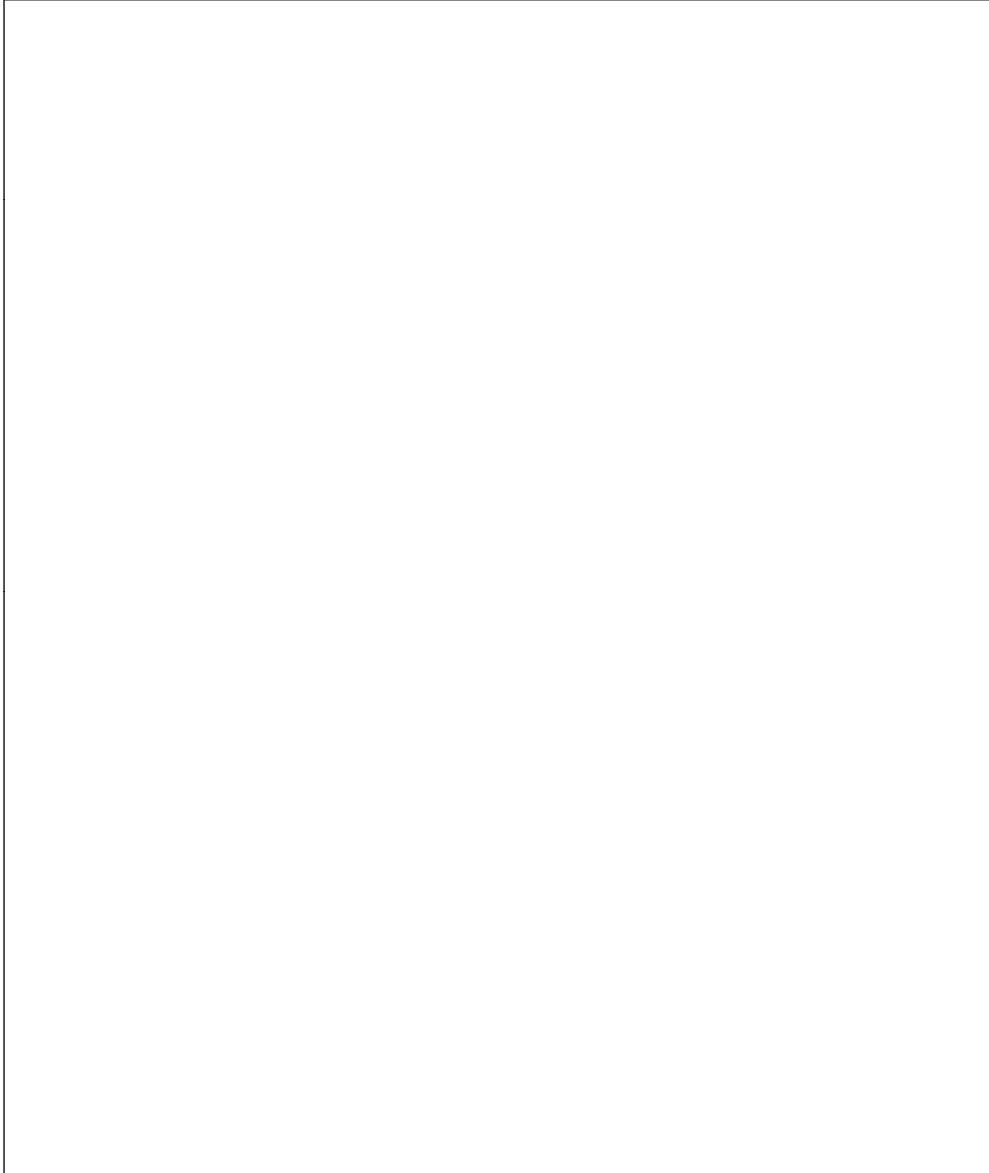
(B) A breakdown of the level of support:

- Total number of members of the community
- Total number of members of the community who have indicated approval for the registration
- Overall percentage of members of the community who have indicated approval of the registration. %

SECTION 7 — PROPOSALS FOR THE LAND

7.1 Please explain your proposals for the land to which this application relates.

7.2 Please explain how the acquisition by the CB of the land to which this application relates is compatible with furthering the achievement of sustainable development.

A large, empty rectangular box with a thin black border, intended for the user to provide an explanation in response to question 7.2. The box is currently blank.

SECTION 8 — PUBLIC INTEREST

NOTE – In the case of a “Late” application, the CB is required to provide strongly indicative reasons of why its “Late” application” to register an interest in land is in the public interest.

8.1 Please explain why it is in the public interest that the community interest to which this application relates be registered (e.g. any environmental, social, economic and other benefits).

SECTION 9 — DECLARATION

- We the undersigned have been authorised by the community body to provide the information in this form, the proposals detailed within it and any supporting documents.
- The community body 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 register the community interest.
- The community body has not altered or deleted the original wording of this form.
- The community body understands that you require 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 community body confirms that it is still a community body within the requirements of subsection (1), (1A) or (1B) of section 34 of the Land Reform (Scotland) Act 2003.
- The community body understands that this form and supporting documents may appear in the Register of Community Interests in Land.
- We the undersigned have read and understand the terms of this declaration.

We, the undersigned on behalf of the community body as noted at section 1, apply to register an interest in the land as specified in this application under section 37(1) of the Land Reform (Scotland) Act 2003.

Name
 Address
 Date
 Position
 Signature

Name
 Address
 Date
 Position
 Signature

For more information and guidance on the community right to buy and on this form (including where to post this form) please visit www.gov.scot and search for "community right to buy".
 You can also email the completed form and associated documents to crtb@gov.scot

SCHEDULE 3

Regulation 4(b)

FORM OF APPLICATION TO RE-REGISTER AN INTEREST IN
LAND – SECTION 37(1) OF THE ACT

Official Use	
Code	RE-REG
Received Date	



Land Reform (Scotland) Act 2003: Part 2 Community Right to Buy
Application to re-register a community interest in land

This form is to be used only when you are applying to re-register an existing community interest in land

This form can be:

- Downloaded and completed electronically, or
- Downloaded and completed manually using black or blue ink and in capital letters

Please note:

- If any information in any section in this form has changed since your original application to register or re-register an interest in land (e.g. as a result of any on-going development work on the proposals) you need to tell Scottish Ministers, by completing the appropriate question. Failure to do so may result in Scottish Ministers declining to consider this application to re-register a community interest in land.

Accompanying information

This application must be accompanied by the following information. Please mark an **X** in the relevant boxes below to confirm that the relevant information accompanies this application.

a copy of the CB's governing documents (i.e. memorandum, articles of association, constitution or registered rules) and evidence of its company, charity or registration number;

one or more maps or drawings, which is/are:
a) prepared to the specifications referred to in Part 1 of Schedule 1 to the Community Right to Buy (Scotland) Regulations 2015, and
b) describe(s) the land to which this application relates.

one or more maps or drawings, which is/are:
a) prepared to the specifications referred to in Part 2 of Schedule 1 to the Community Right to Buy (Scotland) Regulations 2015, and
b) describe(s) the area of the community to which the community body relates;

SECTION 1 — WHO IS APPLYING

1.1 Name of the community body ("CB") applying to re-register a community interest in land.

Name of Community Body	
-------------------------------	--

1.2 CB's Register of Community Interests in Land (RCIL) registration number for this land.

RCIL Number	CB
--------------------	----

SECTION 2 — DETAILS OF WHO IS APPLYING

Please mark an "X" in the appropriate box below to confirm whether there have been any changes to any of the following information since the CB's previous application to register or re-register the interest in land:

- a) the CB's office or contact details;
- b) the CB's membership information; or
- c) the definition of the community to which the CB relates.

"YES" - there has been a change "NO" - no changes

- If "Yes" **then please complete** the relevant question(s) in section 2 of this form to which those changes relate.
- If "No" **then proceed to section 3.**

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

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

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

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

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

<input type="checkbox"/>	Company Limited by Guarantee (CLBG) and its company number is:	<input type="text"/>
<input type="checkbox"/>	Scottish Charitable Incorporated Organisation (SCIO) and its charity number is:	<input type="text"/>
<input type="checkbox"/>	Community Benefit Society (BenCom) and its registration number is:	<input type="text"/>

2.4 Please provide the definition of the community as set out in the CB's governing document in accordance with section 34(1)(a), 34(1A)(a) or 34(1B)(a) of the Land Reform (Scotland) Act 2003.

2.5 This application must be accompanied by one or more maps or drawings, which is/are:
 (a) prepared to the specifications referred to in Part 2 of Schedule 1 to the Community Right to Buy (Scotland) Regulations 2015, and
 (b) describe(s) the area of the community to which the community body relates.
 Please confirm the total number of such maps, plans or other drawings which accompany this application.

2.6 Please provide:

<p>(A) Total number of members in the CB.</p>	<input style="width: 80%; height: 20px;" type="text"/>
<p>(B) A breakdown of the total number of each different type(s) of membership as stated in the CB's governing document (i.e. memorandum, articles of association, constitution or registered rules).</p>	
<p>(C) The membership details (i.e. names, address and membership type of the CB's members).</p>	

SECTION 3 — THE LAND TO BE REGISTERED

Please mark an "X" in the appropriate box below to confirm whether there have been any changes to any of the following information since the CB's previous application to register or re-register the community interest in land:

- a) the nature or description of the land to which this application relates;
- b) any interests, burdens, restrictions or planning permission affecting the land; or
- c) the nature and extent of the community's connection with the land.

"YES" - there has been a change

"NO" - no changes

- If "Yes" **then please complete** the relevant question(s) in section 3 to which those changes relate.
- If you have marked "No" – no changes **then proceed to section 4.**

3.1 Please mark an “X” in the relevant box(es) to indicate the type(s) of land to which this application relates.

Building(s)	<input type="checkbox"/>	Recreational land	<input type="checkbox"/>	If other type(s) of land, salmon fishings or mineral rights please state below <input type="text"/>
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"/>	Croft land	<input type="checkbox"/>	

3.2 What is the estimated area of land (or land in respect of which the salmon fishings or mineral rights are exigible)?

3.3 What county is the land (or land in respect of which the salmon fishings or mineral rights are exigible) located in?

3.4 Please provide a written description of the land to which this application relates (e.g. the location of such land or land in respect of which salmon fishings or mineral rights are exigible within the community; postcodes covering the land; the condition of the land; its northern, southern, eastern and western boundaries, measurements if applicable).

3.5 This application must be accompanied by one or more maps or drawings, which is/are:

(a) prepared to the specifications referred to in Part 1 of Schedule 1 to the Community Right to Buy (Scotland) Regulations 2015, 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.

3.6 Please mark an "X" to indicate whether this application is to register an interest in salmon fishings which are owned separately from the land in respect of which they are exigible.

YES NO

If "Yes", please provide details of the salmon fishings, including details of ownership.

3.7 Please mark an "X" to indicate whether this application is to register mineral rights which are owned separately from the land in respect of which they are exigible.

YES NO

If "Yes", please provide details of mineral rights, including details of ownership.

3.8 Please mark an "X" to indicate whether any of the following apply to the land, or any part of the land, in relation to the land to which this application relates.

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	Planning permission.
<input type="checkbox"/>	<input type="checkbox"/>	An outstanding planning application relating to it.
<input type="checkbox"/>	<input type="checkbox"/>	Indicated as suitable for development in the local authority's local development plan.
<input type="checkbox"/>	<input type="checkbox"/>	Subject of a compulsory purchase order.
<input type="checkbox"/>	<input type="checkbox"/>	Any burden(s) on, or restrictions on use of, the land.

If "Yes" to any of the above, please provide details.

3.9 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 sufficiently near to the area of the community by reference to which the community is defined at question 2.4.

Please provide an explanation of why you have marked “X” at the statement above.

SECTION 4 — OWNERSHIP & INTERESTS

Please mark an “X” in the appropriate box below to confirm whether there have been any changes to the following information since the CB's previous application to register or re-register a community interest in land:

- a) details of the owner of the land to which this application relates;
- b) details of any creditor in a standard security with a right to sell the land to which this application relates; or
- c) details of persons with legally enforceable rights or interests in the land to which this application relates.

“YES” there has been a change

“NO” - no changes

- If you have marked “Yes” **then please complete** the relevant question(s) in section 4 of this form to which the changes relate.
- If you have marked “No” **then proceed to section 5.**

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

NOTE - If the owner's details are unknown, please state "Unknown" at 4.1 and proceed to 4.3.

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

4.2 If there is more than one owner (e.g. the land is in joint ownership between a number of owners), then please provide the contact details for the other owner(s).

--

4.3 Please list the names and addresses of all persons whom the CB are aware have legally enforceable rights and interests (e.g. all persons with leases, any creditor in a standard security over the land) in all or part of the land to which this application relates and detail those rights and interests.

--

4.4 Please confirm what checks were carried out (including by whom and when) to establish who owns the land to which this application relates and whether there are any creditors in a standard security with a right to sell the land.

4.5 If the owner(s) or any creditor in a standard security with right to sell the land is unknown or cannot be found please provide details of the steps taken by the CB in accordance with section 37(4) of the Land Reform (Scotland) Act 2003.

SECTION 5 — COMMUNITY SUPPORT

5.1 Please mark an “X” in one box to confirm whether 10% of the members of the community have indicated approval of the re-registration of the community interest to which this application relates.

YES NO

If “No”, please explain why there is, within the community, a sufficient level of support to justify the re-registration.

5.2 Please provide:

(A) Evidence and details of support obtained, including the date on which the approval of each member of the community was indicated:

(B) A breakdown of the level of support:

- Total number of members of the community
- Total number of members of the community who have indicated approval for the registration
- Overall percentage of members of the community who have indicated approval of the registration. %

SECTION 6 — PROPOSALS FOR THE LAND

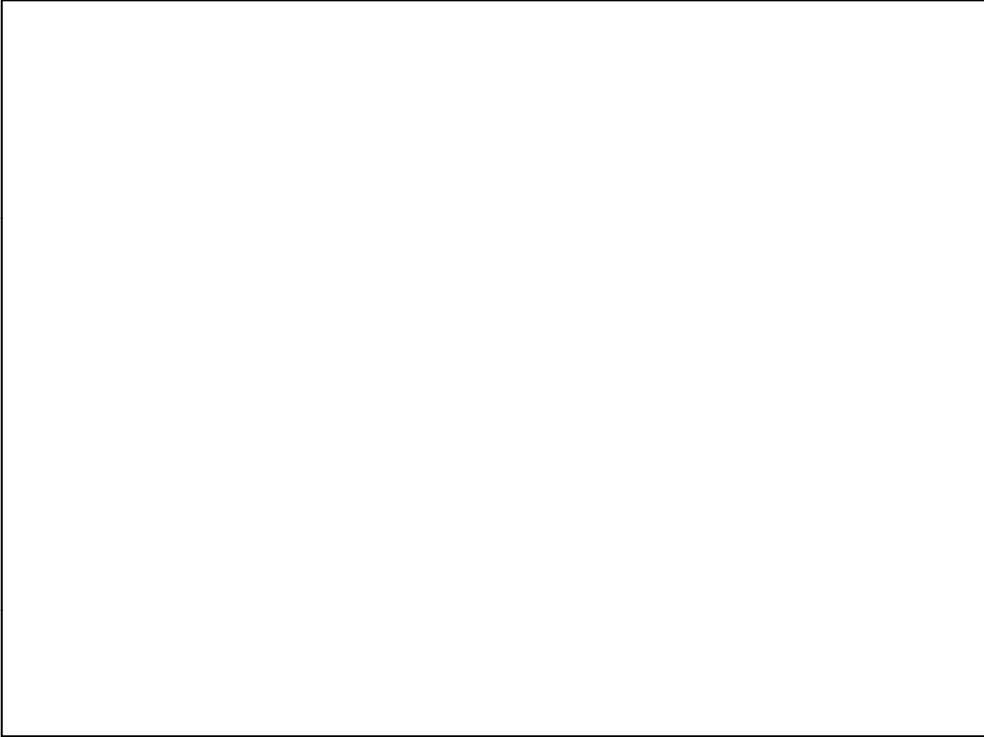
Please mark an “X” in the appropriate box below to confirm whether there have been any changes to any of the following information since the CB’s previous application to register or re-register the interest in land:

- a) details of the CB’s proposals for the land to which the application relates; or
- b) information which demonstrates whether the acquisition of the land by the CB is compatible with furthering the achievement of sustainable development.

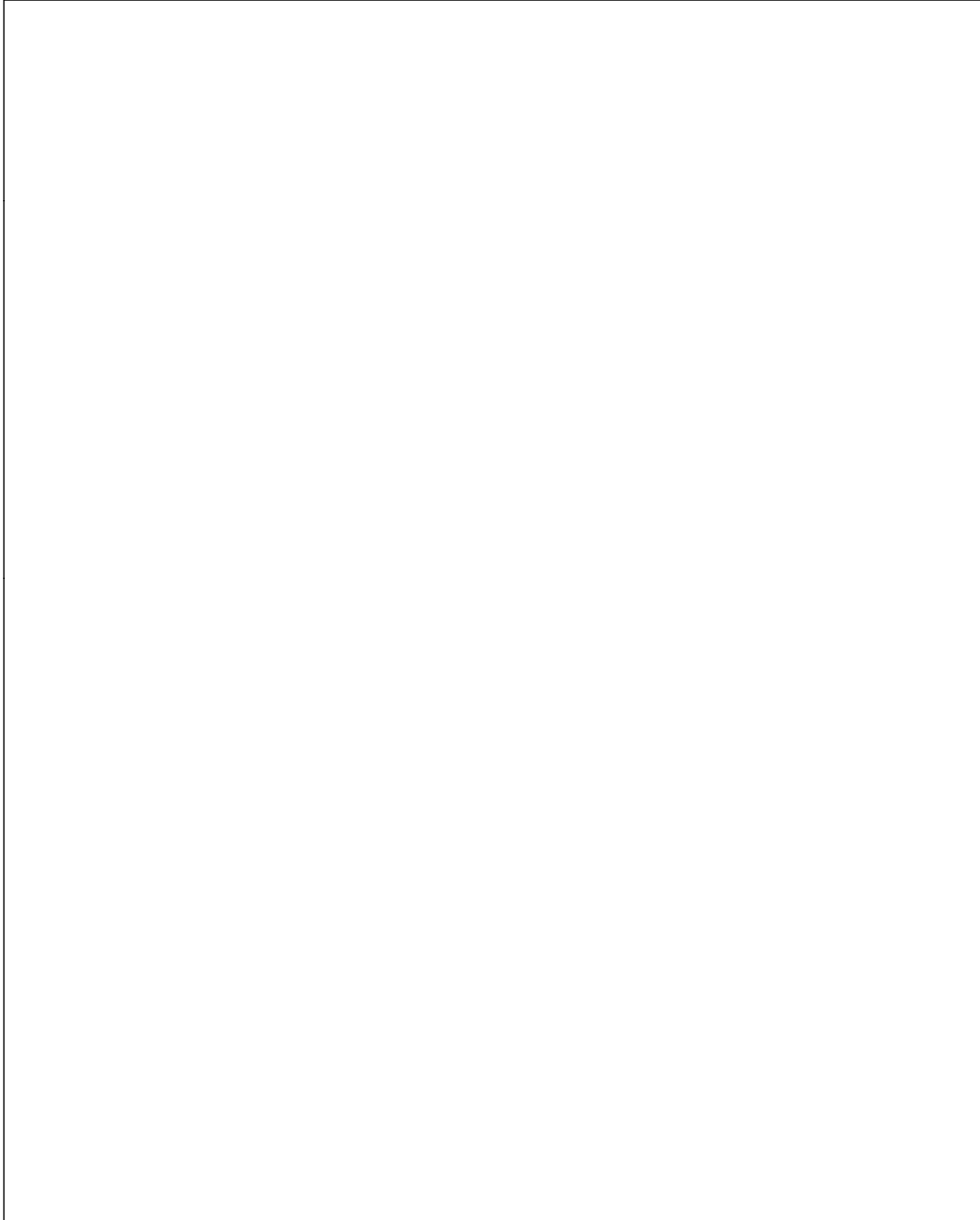
“YES” - there has been a change “NO” - no changes

- If you have marked “Yes” **then please complete** the relevant question(s) in section 6 of this form to which those changes relate.
- If you have marked “No” **–then proceed to section 7.**

6.1 Please explain your proposals for the land to which this application relates.

A large, empty rectangular box with a thin black border, intended for the applicant to provide detailed information about their proposals for the land in question.

6.2 Please explain how the acquisition by the CB of the land to which this application relates is compatible with furthering the achievement of sustainable development.

A large, empty rectangular box with a thin black border, intended for the user to provide an explanation as requested in the text above.

SECTION 7 — PUBLIC INTEREST

7.1 Please explain why it is in the public interest that the community interest to which this application relates be re-registered (e.g. any environmental, social, economic and other benefits).

SECTION 8 — DECLARATION

We the undersigned have been authorised by the community body to provide the information in this form, the proposals detailed within it and any supporting documents.

- The community body 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 re-register the community interest.
- The community body has not altered or deleted the original wording of this form.
- The community body understands that you require 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 community body confirms that it is still a community body within the requirements of subsection (1), (1A) or (1B) of section 34 of the Land Reform (Scotland) Act 2003.
- The community body understands that this form and supporting documents may appear in the Register of Community Interests in Land.
- We the undersigned have read and understand the terms of this declaration.

We, the undersigned on behalf of the community body as noted at section 1, apply to re-register an interest in the land as specified in this application under section 37(1) of the Land Reform (Scotland) Act 2003.

Name	.....
Address	.....
Date	.....
Position	.....
Signature	.....
Name	.....
Address	.....
Date	.....
Position	.....
Signature	.....

For more information and guidance on the community right to buy and on this form (including where to post this form) please visit www.gov.scot and search for "community right to buy".
You can also email the completed form and associated documents to crtb@gov.scot

FORM OF PUBLIC NOTICE OF APPLICATION TO BE AFFIXED TO
LAND – SECTION 37(4) OF THE ACT

**Public Notice under section 37(4) of the Land Reform (Scotland) Act
2003:**

**Owner or Creditor in a Standard Security Unknown or Cannot be
Found**

This notice is intimation that:

[enter name of community body]

proposes to make an application to the Scottish Ministers under section 37(1) of the Land Reform (Scotland) Act 2003 (“the Act”) to register a community interest in land in relation to the following:-

[Describe the area of land in which a community interest is sought to be registered and its location] which is shown on the plan annexed.

Under section 37(4) of the Act Ministers shall not be satisfied that the owner of the land described above or a creditor in a standard security over any part of that land is unknown or cannot be found unless the community body has given public notice of the proposed application by placing an advertisement in accordance with section 37(4)(a) of the Act and affixing a conspicuous notice in the prescribed form to a part of that land in accordance with section 37(4)(b) of the Act.

If you are the owner of the land described above or a creditor in a standard security over part of that land, you should immediately contact:

[Enter community body’s contact details] and

[Enter the Scottish Ministers’ contact details]

Date

Signed (Official of Community Body).....

FORM OF NOTICE UNDER SECTION 37(17) OF THE ACT OF
MINISTERS' DECISION ON WHETHER OR NOT A COMMUNITY
INTEREST IS TO BE REGISTERED OR RE-REGISTERED

**Notice under section 37(17) of the Land Reform (Scotland) Act 2003
of Scottish Ministers' Decision**

The Scottish Ministers ("Ministers") have received the application by [*enter name of community body*] to [*register/re-register – please delete as appropriate*] a community interest in [*enter details of the land*] in terms of Part 2 of the Land Reform (Scotland) Act 2003 ("the Act").

Having considered the information provided Ministers have decided that the interest [*is/is not - please delete as appropriate*] to be entered in the Register of Community Interests in Land ("the Register"). Ministers' decision is effective from [*enter date of decision*] ("the Decision Date"). This notice states the reasons for that decision.

[Insert reasons for deciding that the interest is/is not to be registered]

Effect of Ministers' Decision

*Where a community interest in land is registered or where that interest has been re-registered, the owner of the land and any creditor in a standard security having the right to sell the land, is prohibited from transferring the land, or any part of it, or from taking any action with a view to transferring the land, or any part of it, while the interest is registered in the Register. This is subject to section 40(4) of the Act.

*A community body may apply to re-register their interest in the land within 6 months before the expiry of the period of 5 years that a registered interest has effect.

*A community body and owner of the land have a duty under section 44A of the Act to notify changes to information relating to a registered interest to Ministers as soon as reasonably practicable after the change.

*Should an owner of land in respect of which a community interest is registered or, as the case may be, a creditor in a standard security with a right to sell the land proposes to transfer that land (or any part of it) that person is required to notify Ministers and the community body of such a proposed transfer under section 48 of the Act in the form set out in Schedule 6 of the Community Right to Buy (Scotland) Regulations 2015.

*Under section 45 of the Act, if Ministers are satisfied that there has, since the date on which they decided that a community interest should be registered (or re-registered) in the Register, been a change in any matters to the extent that, if the application to register that community interest were made afresh, they would decide that the interest is not to be entered in the Register, they shall direct the Keeper to delete that interest.

*Where a community interest in land is registered in pursuance of a “late” application (section 39(4) of the Act) the owner of the land is, for the purposes of the Act, deemed to have, on the date on which that interest is so registered, given notice under section 48(1) of the Act that a transfer is proposed, and the community body is deemed to have sent the confirmation which Ministers would have required to seek under section 49(2)(a) of the Act, had section 49 of the Act applied.

*An owner of land may, by virtue of section 61(1) of the Act appeal to the sheriff against a decision by Ministers that a community interest in the land is to be entered in the Register.

*A community body may, by virtue of section 61(2) of the Act, appeal to the sheriff against a decision by Ministers that its community interest is not to be entered in the Register.

*A person who is a member of a community may, by virtue of section 61(3) of the Act appeal to the sheriff against a decision by Ministers that a community interest in land is to be entered in the Register.

*A creditor in a standard security with a right to sell land may by virtue of section 61(3A) of the Act, appeal to the sheriff against a decision by Ministers that a community interest in the land is to be entered in the Register.

*An appeal under section 61 of the Act should be lodged within 28 days of the date on which Ministers decided whether to enter the community interest in the Register.

*Any person (other than a community body) who has incurred loss or expense in complying with the procedural requirements of Part 2 of the Act is by virtue of section 63 of the Act entitled to compensation from Ministers of such amount as Ministers may determine.

*Ministers have, pursuant to section 39(5) of the Act, decided to decline to consider the application. Accordingly, the community body’s interest is not to be entered in the Register and the prohibition applying by virtue of section 37(5)(e) of the Act ceases to apply from the Decision Date.

*Ministers have, pursuant to section 37(11) of the Act, decided to decline to consider the application. Accordingly, the community body’s interest is not to be entered in the Register, and the prohibition applying by virtue of section 37(5)(e) of the Act ceases to apply from the Decision Date.

**Delete as appropriate.*

SCHEDULE 6

Regulation 9

FORM OF NOTICE BY OWNER OR CREDITOR OF PROPOSED
TRANSFER OF LAND UNDER SECTION 48(1) OF THE ACT

**Notice by an owner or creditor in a standard security to a community
body and the Scottish Ministers under section 48(1) of the Land
Reform (Scotland) Act 2003**

#I /We [**enter name(s) of owner of land or name of the creditor in a standard security with the right to sell the land*], #owner(s)/creditor of [**enter details of land in respect of that being transferred*], hereby give notice in terms of section 48(1) of the Land Reform (Scotland) Act 2003 (“the Act”) to [**enter details of the community body or bodies which has the registered interest in land*] and to the Scottish Ministers, that [**enter name(s) of owner of land or name of the creditor in a standard security with the right to sell the land*] propose(s) to transfer that land (or any land of which that land forms part) by way of a transfer under Part 2 of the Act.

Date:
(Signed by #owner/creditor in a standard security)

**enter details as appropriate*
#delete as appropriate

FORM OF NOTICE UNDER SECTION 49(2)(a) OF THE ACT

Notice by the Scottish Ministers to a community body under section 49(2)(a) of the Land Reform (Scotland) Act 2003

To *[enter name of community body]*

Take notice that the Scottish Ministers (“Ministers”) have received notification under section 48 of the Land Reform (Scotland) Act 2003 (“the Act”) that the **[owner of the land described below/creditor in a standard security with the right to sell the land described below]* of the land in which you have a registered interest propose(s) to transfer that land (or any land of which that land forms part) by way of a transfer under Part 2 of the Act.

Description of land:-

[Enter description of the land]

Ministers seek the community body’s confirmation in writing that it will exercise its right to buy the land. Confirmation must be received by Ministers not later than *[insert date not later than 30 days after date of sending notice]*.

By virtue of section 49(4) of the Act, if the community body has not caused its confirmation to be received by Ministers by the date specified above, Ministers shall be deemed to have received a written notice from the community body under section 54(1) of the Act that it will not exercise its right to buy the land and sub-sections (2) to (4) of section 54 of the Act shall apply accordingly. In that event, the effect is that the Ministers must then give notice directing the Keeper to delete the community interest from the Register of Community Interests in Land and the right to buy is extinguished.

A community body can apply to register a community interest in the same land for a second or subsequent time.

** enter details of either owner or creditor in standard security with the right to sell the land as appropriate*

FORM OF NOTICE UNDER SECTION 49(2)(b) OF THE ACT

Notice by the Scottish Ministers to an owner or creditor in a standard security with a right to sell under section 49(2)(b) of the Land Reform (Scotland) Act 2003

To *

Take notice that the Scottish Ministers (“Ministers”) have, in compliance with section 49(2)(a) of the Land Reform (Scotland) Act 2003 (“the Act”), given notice to [*insert name of community body*] seeking its confirmation in writing that it will exercise its right to buy [*enter details of the land*] of which you are the [****].

Ministers have specified [*insert date*] as the date by which confirmation in writing has to be received by them,

If by the date specified above the community body has not caused its confirmation to be received by Ministers, Ministers shall be deemed to have received written notice from the community body under section 54(1) of the Act that it will not exercise its right to buy the land and sub-sections (2) to (4) of section 54 shall apply accordingly. In that event, the effect is that Ministers must direct the Keeper to delete the community interest from the Register of Community Interests in Land and the right to buy is extinguished.

A community body can apply to register a community interest in the same land for a second or subsequent time.

**enter name of the owner or creditor in a standard security with a right to sell as appropriate*

***enter “owner” or “creditor in a standard security with a right to sell” as appropriate*

SCHEDULE 9

Regulation 12

EXEMPT TRANSFER – DESCRIPTION OF LAND – SECTION 41(3)(b) OF THE ACT

1. Maps, plans or other drawings 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.

2. Where the land to which the transfer under section 40(4)(a) of the Act relates consists of salmon fishings or mineral rights, the land in respect of which those salmon fishings or mineral rights are eligible must be clearly marked on the map, plan or drawing.

(a) Section 40(4) is amended by schedule 5 to the 2015 Act.

SCHEDULE 10

Regulation 14

INFORMATION TO BE PROVIDED TO BALLOTTER – SECTION
51A(6) OF THE ACT

Land Reform (Scotland) Act 2003: Part 2 Community Right to Buy

Information to be provided to balloter

Section 51A(6) of the Land Reform (Scotland) Act 2003

Note: This form, once completed with the information provided in the expandable boxes below, must fit within 2 sides of A4. Information in the boxes below must be provided in 12 point type, using Arial font.

1. What is the name of the community body ("CB") which is submitting the information to the balloter under section 51A(6) of the Land Reform (Scotland) Act 2003?

2. What is the CB's Register of Community Interests in Land registration number?

3. What is the company number, registration number or charity number of the CB, as the case may be?

4. What are the contact details of the CB?

Contact Name:

Postal Address:

Telephone:

Email:

5. Please describe the land and/or salmon fishings or mineral rights in relation to which the community body has confirmed it will exercise its right to buy.

6. What are the CB's proposals for use of the land and/or salmon fishings or mineral rights in relation to which it is exercising its right to buy?

7. Where can members of the community obtain details of the CB's proposals?

8. What is the assessed value of the land and any moveable property which has been valued as notified to the CB by the valuer in accordance with section 60(2) of the Land Reform (Scotland) Act 2003?

RETURN OF BALLOT RESULTS – SECTION 52(3) OF THE ACT

Land Reform (Scotland) Act 2003: Part 2 Community Right to Buy
Return of ballot results
Section 52(3) of the Land Reform (Scotland) Act 2003

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

2. What is the registration number of the CB in the Register of Community Interests in Land?

3. What was the date by which the ballot papers had to be returned in accordance with regulation 15(3)(c) of the Community Right to Buy (Scotland) Regulations 2015?

4. What is the wording of the proposition that was put to the community in the vote on whether to buy the land?

5. How many persons were eligible to vote in the ballot?

6. How many persons who were eligible to vote voted in the ballot?

7. How many proxy votes were cast?

8. How many votes were spoilt?

9. What was the number of votes cast for the proposition that the community body buy the land?

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

11. Name, address, telephone number, and email of the ballotter making the ballot return.

12. Signature of the person making this ballot return on behalf of the ballotter.

13. Date of this ballot return.

SCHEDULE 12

Regulation 21

FORM OF INFORMATION TO BE PROVIDED BY THE COMMUNITY BODY TO MINISTERS – SECTION 51B OF THE ACT

Official use Only	
Type	51B
Date Received	



Land Reform (Scotland) Act 2003: Part 2 Community Right to Buy Section 51B Information Form

This form can be:

- Downloaded and completed electronically, or
- Downloaded and completed manually using black or blue ink and in capital letters

SECTION 1 — WHO IS SUBMITTING THE INFORMATION

1.1 Name of the community body ("CB") submitting the information to Scottish Ministers under section 51B of the Land Reform (Scotland) Act 2003.

Name of Community Body	
-------------------------------	--

1.2 CB's Register of Community Interests in Land ("RCIL") registration number.

RCIL Number	
--------------------	--

1.3 Please supply the address the CB wishes correspondence on the Community Right to Buy process to be issued to.

Contact Name:	
Postal address:	
Town:	
County:	
Postcode:	
Telephone:	
E-mail:	

1.4 Please mark an “X” confirming whether there have been any changes to the CB’s governing document (i.e. memorandum, articles of association, constitution or registered rules) in the last year.

YES NO

If “yes” please explain.

1.5 Please mark an “X” confirming that the CB has also:

- o Submitted its current governing document as part of this form.
- o Submitted its membership details (i.e. names address and membership type of CB’s members) as part of this form.

SECTION 2 – SUSTAINABLE DEVELOPMENT

NOTE – In order for Scottish Ministers to consent to the exercise of the right to buy they must be satisfied that what the CB proposes to do with the land is compatible with furthering the achievement of sustainable development.

2.1 A CB can submit additional supporting evidence in support of the answers provided on this form. Please mark an “X” in the relevant box, indicating what additional supporting documentation, if any, is being supplied.

Business Plan Feasibility Study None
Other If other, please say

2.2 Please explain how the CB’s proposals for the land to which this form relates are compatible with furthering the achievement of sustainable development.

2.3 Please explain why the CB's proposed purchase of the land to which this form relates is in the public interest.

2.4 By marking an "X" in the below box, the CB is confirming that it considers there has not, since the date on which their interest was registered, been a change in any matters to the extent that, if the application to register the community interest was made afresh, Scottish Ministers would decide that the interest is not to be entered in the Register of Community Interests in Land.

2.5 If any of the proposals have changed from when Scottish Ministers received the CB's application to register an interest in this land, please provide details of the changes and the reasons for these change(s).

SECTION 3 - DECLARATION

- We the undersigned have been authorised by the community body to provide the information in this form, the proposals detailed within it and any supporting documents.
- The community body 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 community body's right to buy.
- The community body has not altered or deleted the original wording of this form.
- The community body understands that you require 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 community body confirms that it is still a community body in accordance with the requirements of subsection (1)(a), (1A)(b) or (1B)(c) of section 34 of the Land Reform (Scotland) Act 2003.
- The community body understands that this form and supporting documents may appear in the Register of Community Interests in Land.
- We the undersigned have read and understand the terms of this declaration.

We the undersigned on behalf of the community body as noted at section 1.1, provide this information pursuant to section 51B(2)(d) of the Land Reform (Scotland) Act 2003.

Name
Address
Date
Position
Signature

Name
Address
Date
Position
Signature

For more information and guidance on the community right to buy and on this form (including where to post this form) please visit www.gov.scot and search for "community right to buy".
You can also email the completed form and associated documents to crtb@gov.scot

(a) Section 34(1) is amended by section 37(3) of the 2015 Act.
(b) Section 34(1A) is inserted by section 37(4) of the 2015 Act.
(c) Section 34(1B) is inserted by section 37(4) of the 2015 Act.
(d) Section 51B(2) is inserted by section 50 of the 2015 Act.

SCHEDULE 13
REVOCATIONS

Regulation 23

<i>Regulations revoked</i>	<i>Instrument No.</i>
The Community Right to Buy (Ballot) (Scotland) Regulations 2004	S.S.I. 2004/228
The Community Right to Buy (Compensation) (Scotland) Regulations 2004	S.S.I. 2004/229
The Community Right to Buy (Specification of Plans) (Scotland) Regulations 2004	S.S.I. 2004/231
The Community Right to Buy (Prescribed Form of Applications and Notices) (Scotland) Regulations 2009	S.S.I. 2009/156

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with the community right to buy under Part 2 of the Land Reform (Scotland) Act 2003 (“the Act”).

Regulation 1 sets out certain defined terms to be used throughout the Regulations. It also sets out in paragraph (3) in what circumstances Parts 2 to 9 of the Regulations apply.

Regulation 2 sets out the types of area that can be used by a community body when describing the area of the community to which it relates. Section 35(5)(a) of the Act allows community bodies to make reference to postcode units when describing that area. Regulation 2 extends this so that they can also refer to electoral wards, community council areas, postcode areas, postcode districts, postcode sectors, island, settlements and localities. Settlements and localities are defined by reference to the National Statistics publications noted at regulation 2(g) and (h). These publications are held by the National Records of Scotland, New Register House, 3 West Register Street, Edinburgh, Scotland, EH1 3YT and are available from the weblinks noted in the footnotes to regulation 2(g) and (h).

Regulation 3 states that the specifications to which maps, plans or other drawings are to be prepared for the purposes of their inclusion in the Register of Community Interests in Land (“the Register”) are set out in Part 1 of Schedule 1.

Regulation 4(a) states that the form of application to register a community interest in land under section 37(1) of the Act is set out in Schedule 2. This application form is only to be used the first time an application is made to register the interest in land – re-registrations are dealt with at regulation 5. Regulation 4(b) states that an application to re-register a community interest in land under section 37(1) of the Act, pursuant to the re-registration provisions in section 44 of the Act is set out in Schedule 3. An application to re-register an interest can be made at any time within six months before the expiry of the five year period from the date when it was previously registered. This application form allows the community body to refrain from answering certain questions if the information to which those questions relate has not changed since its previous application to register the interest.

Regulation 5 sets out the kinds of information which must accompany an application to register or re-register a community interest in land.

Regulation 6 states that the notice of the proposed application to register a community interest in land that must be affixed to a part of the land (except where that land consists of salmon fishings or mineral rights), where the owner or creditor in a standard security is unknown or cannot be found, is set out in Schedule 4.

Regulation 7 sets out the manner of advertising by which a public notice must be given of a proposed application which relates to salmon fishings or mineral rights where the owner or creditor in a standard security is unknown or cannot be found.

Regulation 8 states that the form of notice that is required to be sent by Scottish Ministers (“Ministers”) under section 37(17) of the Act of their decision whether or not the community interest is to be entered in the Register is set out in Schedule 5.

Regulation 9 states that the form of notice that is required to be given by the owner of land or creditor in a standard security with a right to sell the land in accordance with section 48(1) of the Act, where that owner or creditor proposes to transfer the land or any part of it, is set out in Schedule 6.

Regulation 10(1) states that the form of notice that is required to be sent by Ministers under section 49(2)(a) of the Act (which must be sent to the community body to seek its confirmation in writing that it will exercise its right to buy the land) is set out in Schedule 7. Regulation 10(2) states that the form of notice that is required to be sent by Ministers under section 49(2)(b) of the Act, which must be sent to the owner of the land narrating Ministers’ compliance with section 49(2)(a) of the Act, is set out in Schedule 8.

Regulation 11 relates to applications made under section 37(1) of the Act to which section 39 of the Act applies. Section 39(3) of the Act sets out the matters of which Ministers must be satisfied before entering a community interest in the Register where that community interest is as a result of such an application (a “late application”). One of these matters is that either (i) in the period of 12 months before the application is received by Ministers, the owner or creditor did not make an offer to sell the land to the community body or a similar community body, or (ii) if such an offer was made, there are good reasons why the body did not purchase the land. Section 39(7)(c) of the Act provides that a community body is similar to another community body if, in the opinion of Ministers, it is similar to the other body to a significant degree having regard to matters which are to be set out in regulations. Regulation 11 sets out what these matters are.

Regulation 12 states that the specifications to which maps, plans or other drawings are to be prepared when provided to Ministers under section 41(3)(b) of the Act (which the owner or creditor is required to do when it has made a transfer of land as mentioned in section 40(4)(a) to (h) of the Act) are set out in Schedule 9.

Regulation 13 sets out the information that Ministers must, under section 51A(2)(b) of the Act, provide to a ballotter which has been appointed to conduct the ballot that is required to indicate the approval of the community to the purchase of the land by the community body.

Regulation 14 sets out that the information that the community body must, under section 51A(6) of the Act, provide to the ballotter is set out, along with the form in which it must be provided, in Schedule 10.

Regulation 15 describes how the ballot must be conducted by the ballotter. Regulation 15(1) provides that the ballot must be a secret postal ballot. Regulation 15(2) provides that the ballotter must ascertain the persons eligible to vote. Regulation 15(3) describes the procedure for sending ballot papers to those persons eligible to vote, and regulation 15(4) provides that those persons must be sent a stamped address envelope for returning the completed ballot paper.

Regulation 16(1) states that a person eligible to vote in the ballot may request to be permitted a proxy vote. Regulation 16(2) sets out the requirements of such a request. Regulation 16(3) states that the ballotter must permit a proxy vote to a person who makes a valid request.

Regulation 17(1) sets out the requirements of the ballotter for publication of the ballot results. Regulation 17(2) states that the form in which notification under section 52(3) of the Act must be made (which is notification to the Ministers, the community body, the owner of the land and any creditor in a standard security with a right to sell the land) of certain information about the ballot, including the ballot results) is set out in Schedule 11.

Regulation 18(1) states that the ballotter must retain certain information about the ballot for a period of 2 years from the date of that ballot. Regulation 18(2) states that the ballotter must make that information available for inspection by Ministers or any person with a right of appeal under section 61 of the Act within 28 days of receipt of a request to do so.

Regulation 19 provides that Ministers may review whether a ballot was conducted in accordance with the requirements of regulations 15 to 17. Regulation 19(1) sets out that such a review can be carried out at the request of a community body, the owner of the land or a creditor in a standard security with a right to sell the land, or it can be carried out when Ministers have reason to believe that the ballot has not been conducted in accordance with the requirements of those regulations. Regulation 19(2) sets out the requirements of a request to Ministers to carry out a review. Regulation 19(3) to (6) set out the procedure of the review, including provision for Ministers to obtain the views of the community body, the owner or creditor. Regulation 19(7) states that, where two or more requests to review the conduct of the ballot are received, Ministers may decide upon those requests together. Regulation 19(8) states that, if Ministers decide that a ballot has not been conducted in accordance with regulations 15 to 17, a further ballot must be conducted in accordance with regulation 20.

Regulation 20 sets out the requirements for the conduct of a further ballot that must be carried out as a result of Ministers deciding that a ballot was not conducted in accordance with regulations 15

to 17. Regulation 20(1) states that such a further ballot must be conducted in accordance with the requirements of regulations 15, 16 and 17(1). Regulation 20(2) sets out what information must be provided by Ministers to the ballotter for the purposes of the further ballot. Regulation 20(3) sets out what information must be provided by the community body to the ballotter for the purposes of the further ballot. Regulation 20(4) and (5) sets out the notification requirements of the ballotter in relation to the result of the ballot. Regulation 20(6) states that the expenses of any further ballot are to be met by Ministers. Regulations 20(7) and (8) provide for the retention of, and provision of, certain information about the further ballot by the ballotter.

Regulation 21 states that the information to be provided to Ministers under section 51B(1)(a) of the Act, and the form in which that information is to be provided, is set out in Schedule 12. This information is to be provided to Ministers for the purposes of deciding whether or not Ministers are satisfied as mentioned in section 51(3) of the Act in relation to a community body.

Regulation 22 provides for the procedure by and manner in which compensation for loss or expenses may be claimed by any person (other than a community body) from Ministers under section 63 of the Act. Regulations 22(1) to (5) set out the timescales for making a claim under section 63 of the Act. Regulation 22(6) states that such a claim must specify under which paragraph or paragraphs of section 63(1) it is being made and must be accompanied by evidence of all losses and expenses. Regulation 22(7) states that the person making the claim must be informed of the amount of compensation payable within 40 days of the submission of the claim.

Regulation 23 provides for savings. It sets out the circumstances in which the regulations listed in Schedule 13 continue to have effect. These circumstances all relate to an application to register a community interest in land made before 15th April 2016.

© Crown copyright 2015

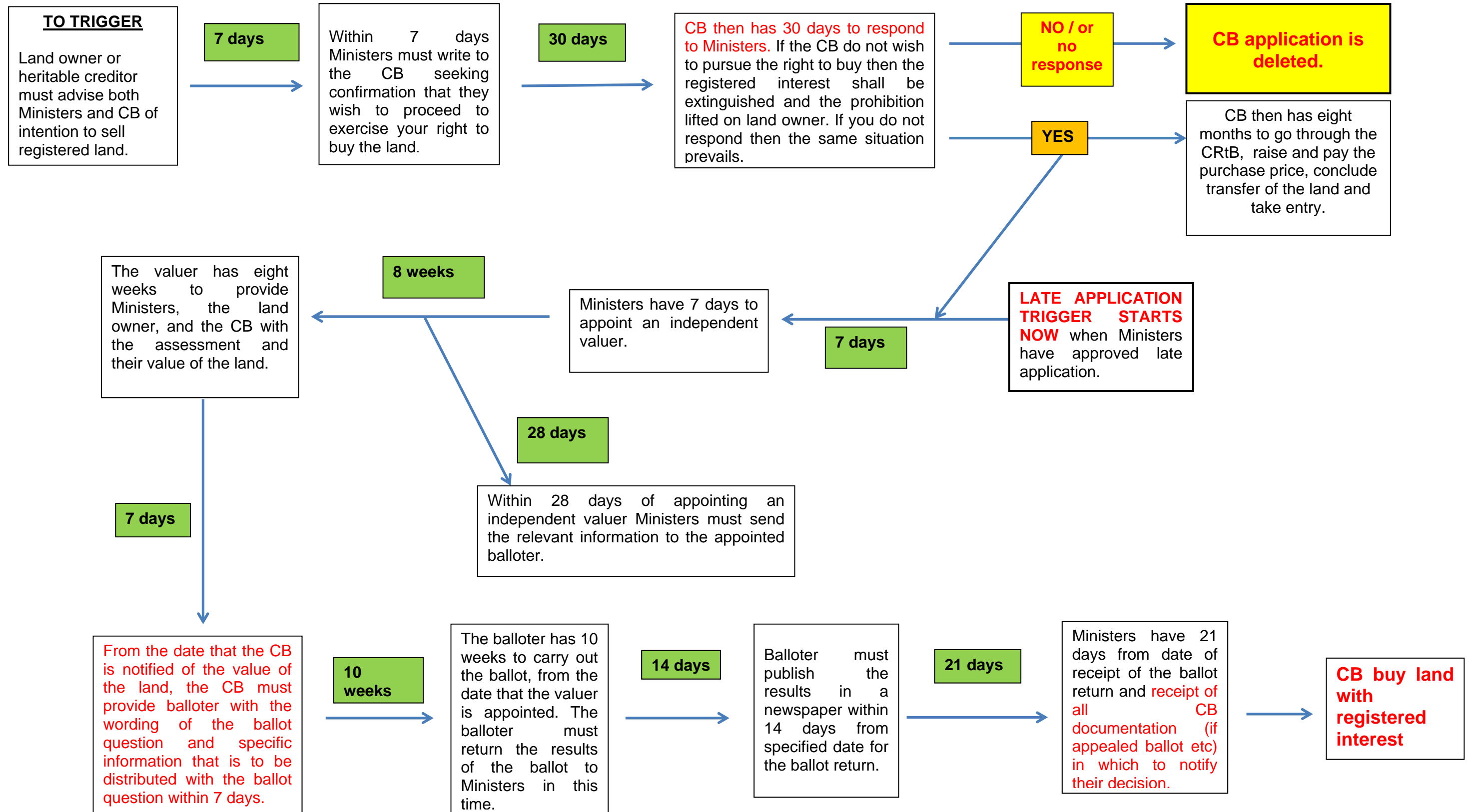
Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland.

S201511203 11/2015 19585

<http://www.legislation.gov.uk/id/ssi/2015/400>



CRtB Trigger Timeline – Process for Timeous and Late applications



BALLOT PAPER

Gallan Head Community Ballot

Do you support the Gallan Head Community Trust's aim to purchase the land known as MOD, Aird Uig?

YES

NO

Gallan Head Community Ballot

INSTRUCTIONS TO VOTERS

I enclose a ballot paper in respect of the ballot of the Gallan Head Community Area together with an envelope for returning the ballot paper. The instructions for voting are as follows:-

- (1) Mark your choice with an X.
- (2) Place your completed Ballot Papers in the envelope provided.
- (3) Ballot Papers must be received **no later than 4.00pm on Tuesday 28 July 2015** either by post using the reply paid envelope provided or by handing them in to the Returning Officer, Council Offices, Sandwick Road, Stornoway.

Land Reform (Scotland) Act 2003: Part 2 Community Right to Buy

Information to be provided to ballotter

Section 51A(6) of the Land Reform (Scotland) Act 2003

Note: This form, once completed with the information provided in the expandable boxes below, must fit within 2 sides of A4. Information in the boxes below must be provided in 12 point type, using Arial font.

1. What is the name of the community body ("CB") which is submitting the information to the ballotter under section 51A(6) of the Land Reform (Scotland) Act 2003?

2. What is the CB's Register of Community Interests in Land registration number?

3. What is the company number, registration number or charity number of the CB, as the case may be?

4. What are the contact details of the CB?

Contact Name:

Postal Address:

Telephone:

Email:

5. Please describe the land and/or salmon fishings or mineral rights in relation to which the community body has confirmed it will exercise its right to buy.

6. What are the CB's proposals for use of the land and/or salmon fishings or mineral rights in relation to which it is exercising its right to buy?

7. Where can members of the community obtain details of the CB's proposals?

8. What is the assessed value of the land and any moveable property which has been valued as notified to the CB by the valuer in accordance with section 60(2) of the Land Reform (Scotland) Act 2003?

Official use Only	
Type	51B
Date Received	



Land Reform (Scotland) Act 2003: Part 2 Community Right to Buy Section 51B Information Form

This form can be:

- Downloaded and completed electronically, or
- Downloaded and completed manually using black or blue ink and in capital letters

SECTION 1 — WHO IS SUBMITTING THE INFORMATION

1.1 Name of the community body (“CB”) submitting the information to Scottish Ministers under section 51B of the Land Reform (Scotland) Act 2003.

Name of Community Body	
-------------------------------	--

1.2 CB’s Register of Community Interests in Land (“RCIL”) registration number.

RCIL Number	
--------------------	--

1.3 Please supply the address the CB wishes correspondence on the Community Right to Buy process to be issued to.

Contact Name:	kkkk
Postal address:	
Town:	
County:	
Postcode:	
Telephone:	
E-mail:	

1.4 Please mark an “X” confirming whether there have been any changes to the CB’s governing document (i.e. memorandum, articles of association, constitution or registered rules) in the last year.

YES NO

If “yes” please explain.

1.5 Please mark an “X” confirming that the CB has also:

- Submitted its current governing document as part of this form.
- Submitted its membership details (i.e. names address and membership type of CB’s members) as part of this form.

SECTION 2 – SUSTAINABLE DEVELOPMENT

NOTE – In order for Scottish Ministers to consent to the exercise of the right to buy they must be satisfied that what the CB proposes to do with the land is compatible with furthering the achievement of sustainable development.

2.1 A CB can submit additional supporting evidence in support of the answers provided on this form. Please mark an “X” in the relevant box, indicating what additional supporting documentation, if any, is being supplied.

Business Plan Feasibility Study None

Other If other, please say

2.2 Please explain how the CB’s proposals for the land to which this form relates are compatible with furthering the achievement of sustainable development.

hhhhhhh

2.3 Please explain why the CB's proposed purchase of the land to which this form relates is in the public interest.

2.4 By marking an "X" in the below box, the CB is confirming that it considers there has not, since the date on which their interest was registered, been a change in any matters to the extent that, if the application to register the community interest was made afresh, Scottish Ministers would decide that the interest is not to be entered in the Register of Community Interests in Land.

2.5 If any of the proposals have changed from when Scottish Ministers received the CB's application to register an interest in this land, please provide details of the changes and the reasons for these change(s).

hhhhh

SECTION 3 - DECLARATION

- We the undersigned have been authorised by the community body to provide the information in this form, the proposals detailed within it and any supporting documents.
- The community body 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 community body's right to buy.
- The community body has not altered or deleted the original wording of this form.
- The community body understands that you require 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 community body confirms that it is still a community body in accordance with the requirements of subsection (1)(a), (1A)(b) or (1B)(c) of section 34 of the Land Reform (Scotland) Act 2003.
- The community body understands that this form and supporting documents may appear in the Register of Community Interests in Land.
- We the undersigned have read and understand the terms of this declaration.

We the undersigned on behalf of the community body as noted at section 1.1, provide this information pursuant to section 51B(2)(d) of the Land Reform (Scotland) Act 2003.

Name bbbbbb

Address

Date

Position

Signature

Name

Address

Date

Position

Signature

For more information and guidance on the community right to buy and on this form (including where to post this form) please visit www.gov.scot and search for "community right to buy".

You can also email the completed form and associated documents to crtb@gov.scot

Business Plan top-tips

A business plan gives an outline of your business, the market in which it will operate and how it aims to make money - and you should be able to answer this question:

- ***Why will your business succeed when so many others fail?***

Business plans are useful tool to ensure your business is progressing as planned, and can also assist your business in obtaining loans or funding. It's really important that potential investors can understand what your business is all about from a quick glance at your plan. Make sure you include a summary of your business, and how it will make money right from the start.

The following document has been developed only as a useful handy tip guidance document to show you what information you may wish to consider including in a business plan.

IT IS NOT A definitive guide on what to include in your business plan.

There are different models and styles available. It is for you to determine what information to include in your business plan, the model, the style, layout etc.

This top tip document has been designed based on information that is readily available on numerous business plan development websites, and from previous business plans that have been received by Scottish Minister, as part of the Community Right to Buy.

Below are a couple of useful web-links on business plans develop (they are many more) we recommend you read them.

<https://www.gov.uk/write-business-plan>

<http://www.bgateway.com/business-guides/first-steps/business-plan-template>

<http://www.barclays.co.uk/Startupsupport/Writingasmallbusinessplan/P1242559649359>

<https://www.princes-trust.org.uk/help-for-young-people/tools-resources/business-tools/business-plans>

<http://www.scvo.org.uk/running-your-organisation/finance-business-management/business-and-strategic-planning/writing-a-business-plan/>

In the end it is your business plan and it is for you to determine how much or how little you put into a business plan. However the less information supplied in such business plan may impact on whether you receive the required funding to achieve your aims

Your Business Plan should contain at least the following useful information.

- 1. Contents page**
- 2. Executive Summary - included such information as:**
 - ❖ Background to the company and who you serve
 - ❖ Your vision/aim (including your objectives or purposes)
 - ❖ What the business plan is meant to show
- 3. Overview of project – included such information as:**
 - ❖ History of your plans, and how you got to where you are
 - ❖ History of site
 - ❖ What you want to use it for and why
 - ❖ Are you bringing new services to the area (if yes, like what)
 - ❖ What are the key periods when it can be used (i.e gala days, after school)
- 4. Strategy – included such information as:**
 - ❖ How you plan to implement your plans for the site
 - ❖ When you expect it to be operational (or part operational)
- 5. Asset – included such information as:**
 - ❖ Description of the asset
 - ❖ Development plans for the asset (what you going to do with it physically)
 - ❖ Purchase and Development timescales
 - ❖ Environmental improvements
- 6. Market Research - included such information as:**
 - ❖ How you identified the need (i.e research done)
 - ❖ How you aim to encourage use of it (marketing)
 - ❖ Any competitors
 - ❖ Are your plans based on research from other examples
 - ❖ Who is it aimed at (what section of the community – young, old, unemployed, mental health people, children, parents, etc)
- 7. Management structure/Skills & Support - included such information as:**
 - ❖ Membership numbers
 - ❖ Directorship information
 - ❖ What skills the company have
 - ❖ How will you address skill short falls
 - ❖ Do you have outside support for proposals
 - ❖ Support for plans (i.e ballot results and letters of support form a/n other organisations etc)
- 8. Financial & legal - included such information as:**

- ❖ Estimate purchase and development costs, and from what sources
- ❖ Yearly financial projects (incomings and outgoings) for first 5 years
- ❖ Financial projections long-term (say in years' time)
- ❖ Re-investment plans
- ❖ Provide details of any legal issues need to be aware off (planning, insurances, liabilities, banking etc)

9. Social Impacts for the community - included such information as:

- ❖ What benefits it will bring (i.e jobs include numbers, training, the wider social, economic, environmental benefits to the community) – Q15(b) of CRtB application might help here
- ❖ Wider benefits to neighbouring area's
- ❖ Job creation or training opportunities

10. Risk Assessments - included such information as:

- ❖ What risks have been identified
- ❖ How will you aim to address any potential risks

11. Monitoring & the future - included such information as:

- ❖ What monitoring will you do to gauge success or future improvements
- ❖ How will community be kept up to date
- ❖ Where you expect to be in 10 years

[REDACTED]

From: [REDACTED]
Sent: 02 November 2017 16:01
To: Ian A Hepburn
Cc: John Addy [REDACTED] [REDACTED]
Subject: RE: Ulva Ballot

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ian,

Sorry for not getting back earlier...

Re:

Just a quickie, we're working hard towards the upcoming Ulva Ballot and of course I'm being asked what sort of ballot result will be needed to convince the Minister that there is adequate support. Given that to the best of my knowledge the Act doesn't lay down actual statistical guidelines I wondered whether you could advise what levels had been deemed adequate with previous late applications for CRTB.

Under the revised legislation we have only had one ballot. That was for Action Party in Edinburgh. The ballot return requirement is not dependent on whether you had a timeous or late application. The requirements relate to all applications at this stage.

At the very least, you should have a majority of the voters voting 'Yes'. What we had, before the legislation was revised, was in effect at least 26% of the community in favour of the buyout. Please be aware, though I doubt this will be an issue, if you got 100 people voting and 60 said 'Yes' then the criteria would be met. However, the fact that 40 said 'No' could be taken into account under the public interest test.

There is, of course, the ability to make Scottish Ministers aware of issues surrounding any low turnout /issues affecting the ballot and why the application for consent should still be okayed. This is in the section 51B form that [REDACTED] has sent, but hopefully you shouldn't need this.

Hope this helps.

regards

[REDACTED]

[REDACTED]



From: Ian A Hepburn [mailto:ian_nwmullwoodland@btconnect.com]
Sent: 28 October 2017 10:22

To: [REDACTED]
Subject: RE: Ulva Ballot

Colin,
Sorry about the duplication, in a meeting on Thursday I'd agreed with John that I'd contact you but obviously he'd forgotten.
Please respond to John and copy Colin and I in, as John is leading on this project.

Again my apologies.

Ian

From: [REDACTED]
Sent: 27 October 2017 14:12
To: ian_nwmullwoodland@btconnect.com
Subject: RE: Ulva Ballot

Hi Ian,

We have had a similar query from John Addy.

We will get back to you, copying in John and Colin in our response, with a full response next week.

To avoid confusion, would it be possible to have a single conduit for queries?

regards

[REDACTED]

[REDACTED]



From: Ian A Hepburn [mailto:ian_nwmullwoodland@btconnect.com]
Sent: 27 October 2017 12:22
To: [REDACTED]
Subject: Ulva Ballot

Hi Colin,
Just a quickie, we're working hard towards the upcoming Ulva Ballot and of course I'm being asked what sort of ballot result will be needed to convince the Minister that there is adequate support.
Given that to the best of my knowledge the Act doesn't lay down actual statistical guidelines I wondered whether you could advise what levels had been deemed adequate with previous late applications for CRTB.

Any help appreciated but if it would prejudice you in any way to supply the info requested I'd understand fully.

Best

Ian

Ian A Hepburn
Director – North West Mull Community Woodland Company Ltd

Office 01688400600

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.
Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

[REDACTED]

From: John Addy [REDACTED]
Sent: 02 November 2017 16:19
To: [REDACTED]
Subject: Re: North West Mull Community Woodland Company Limited - CB00221 - Community Right to Buy - Additional Trigger Paperwork For next stage

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks [REDACTED],

Will digest all this tomorrow.

Re dates and arrangements for your visit....

How about evening of 15th and daytime 16th, finishing early enough for you to get back to Edinburgh on 16th?

An evening meeting is fine with us either in our office in Dervaig or, if you are staying in Tobermory we could perhaps use a meeting room in the hotel.

We also thought it would be useful for you to have a short visit to Ulva the next day, with the possibility of a further meeting there in the Boathouse.

We can agree details later, but for now would be handy to firm up on the date(s) as soon as possible.

regards

John

On 2 Nov 2017, at 15:39, [REDACTED]

Hi John

Sorry about the delay, this is due to on-going workload pressures.

As you know the valuer was appointed 17 October 2017. As a result Scottish Ministers are required to appoint the independent balloter within 28 days. The independent balloter was appointed on 2 November 2017 (copy of the letter attached). Someone from the ERS will be in touch in due course over the ballot.

There contact details are
The Election Centre, 33 Clarendon Road, London N8 0NW
T: 020 8365 8909 DD
Visit their website at: www.electoralreform.co.uk

The ballot results are now therefore to be with Scottish Ministers by the **9 January 2018**.

In order to ensure a smooth ballot, North West Mull Community Woodland Company Limited are required to provide information to the balloter within prescribed timings. Details of which are found in the Timeline (attached) and in the 2015 Community Right to Buy Regulations (attached). We also attach a handy Trigger flow-chat

In order to help we attach an example ballot question, that North West Mull Community Woodland Company Limited could consider rewording to meet their needs and provide to the balloter.

North West Mull Community Woodland Company Limited are also required to supply to the Balloter with a completed Schedule 10 form, that will accompany the ballot question. We attach a blank version for North West Mull Community Woodland Company Limited.

North West Mull Community Woodland Company Limited are also required (at the time the ballot results are to be returned to Scottish Ministers, to provide Scottish Ministers with a completed Section 51B Information Form (attached). This is used by Scottish Ministers when considering whether to consent to the Right to Buy or not. The form allows for Community groups to inform Scottish Ministers what (if any) supporting information they are supplying (i.e a Business Plan/Feasibility study etc). I also attached a helpful Business Plan top-tip document for use in preparing any future business plans

All the attached documents will be discussed when we visit, along with timelines, who does what when, and what support we can provide North West Mull Community Woodland Company Limited, funding etc.

Regarding a visit, we are planning on a visit sometime W/C 13 November 2017 (either the 14/15 or 16). Given time to travel to Mull from Edinburgh an evening meeting would be helpful for ourselves. It also means we can always visit Ulva Ferry the next day to at least look at the land on Mull, and look over to the Isle of Ulva. I would be grateful if you could confirm which day is best for the group.

If not already doing so, I would recommend North West Mull Community Woodland Company Limited apply for stage 2 Scottish Land Fund funding as well as applying to other funders. Please note – there is more than the Scottish Land Fund out there for community groups to apply to (both for purchase and development costs). To help you further I also attach a link to numerous funding options that North West Mull Community Woodland Company Limited may wish to review, and if need be, consider approaching these funders.

<http://www.gov.scot/Topics/farmingrural/Rural/rural-land/right-to-buy/fund>

Please Note – I am on leave 3 to 13 November. My colleagues Ian Heron and Iain Manthorpe are monitoring my inbox while I'm on leave, so will be able to pick on the visit arrangements with you while I'm off.

At this time, there is nothing much for the community to do regarding the Trigger stage, unless you want to have a look at preparing a "draft" question or filling out a "draft" schedule 10 form or preparing "draft" ballot promotional material. Otherwise,

please continue in developing any business plan and obtaining funding. If you have questions or “drafts”, then it may be best to compile a list and send them on Friday 10 November, so that we can review them and be able to answer them when we meet up.

Hope this is helpful. As said, it will all be discussed (and hopefully made clear) when we visit.



This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadichte a chleachdadh ann an dòigh sam bith, a’ toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma ’s e is gun d’fhuair sibh seo gun fhiosd’, bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil.

Dh’fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh’fhaodadh nach eil beachdan anns a’ phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

<Template - Trigger - Ballot Question example.pdf><Legislation - Land Reform Scotland Act - CRtB Regulations 2015.pdf><Guidance - CRtB trigger timeline.docx><Template - Forms - Schedule 10 crt2016.docx><Template - Forms - Section 51B Information Form.docx><Guidance - Business Plan top tips.docx><NWMCWCL - CB00221 - Timeline - Trigger Right to Buy - 25 October 2017.xls><NWMCWCL - CB00221 - Ballot appointment - 2 November 2017.docx>

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

[REDACTED]

From: [REDACTED]
Sent: 08 November 2017 14:22
To: John Addy [REDACTED]
Cc: colin@nwmullwoodland.co.uk; Ian A Hepburn
<ian_nwmullwoodland@btconnect.com> (ian_nwmullwoodland@btconnect.com);
[REDACTED]
Subject: RE: North West Mull Community Woodland Company Limited - CB00221 -
Community Right to Buy - Additional Trigger Paperwork For next stage

Afternoon John

Further to [REDACTED] email of 2 November I was wondering if you have had a the chance to speak with your group about a proposed date for us coming over to discuss the next steps regarding the Right to buy stages.

I think the best dates for us were the 14th, 15th or 16th November however if these are unsuitable please let me know and I can check the availability for other dates.

Grateful if you could let me know as soon as you have a date in mind in order that we can start to arrange our transport and accommodation for the visit.

I look forward to hearing from you in due course.

Best regards

[REDACTED]

[REDACTED]



From: [REDACTED]
Sent: 02 November 2017 15:39
To: John Addy [REDACTED] colin@nwmullwoodland.co.uk; Ian A Hepburn
<ian_nwmullwoodland@btconnect.com> (ian_nwmullwoodland@btconnect.com)
Subject: North West Mull Community Woodland Company Limited - CB00221 - Community Right to Buy - Additional
Trigger Paperwork For next stage

Hi John

Sorry about the delay, this is due to on-going workload pressures.

As you know the valuer was appointed 17 October 2017. As a result Scottish Ministers are required to appoint the independent balloter within 28 days. The independent balloter was appointed on 2 November 2017 (copy of the letter attached). Someone from the ERS will be in touch in due course over the ballot.

<< File: NWMCWCL - CB00221 - Balloter appointment - 2 November 2017.docx >>

There contact details are

The Election Centre, 33 Clarendon Road, London N8 0NW

T: 020 8365 8909 DD

Visit their website at: www.electoralreform.co.uk

The ballot results are now therefore to be with Scottish Ministers by the **9 January 2018**.

In order to ensure a smooth ballot, North West Mull Community Woodland Company Limited are required to provide information to the balloter within prescribed timings. Details of which are found in the Timeline (attached) and in the 2015 Community Right to Buy Regulations (attached). We also attach a handy Trigger flow-chat

<< File: NWMCWCL - CB00221 - Timeline - Trigger Right to Buy - 25 October 2017.xls >> << File: Legislation - Land Reform Scotland Act - CRtB Regulations 2015.pdf >> << File: Guidance - CRtB trigger timeline.docx >>

In order to help we attach an example ballot question, that North West Mull Community Woodland Company Limited could consider rewording to meet their needs and provide to the balloter.

<< File: Template - Trigger - Ballot Question example.pdf >>

North West Mull Community Woodland Company Limited are also required to supply to the Balloter with a completed Schedule 10 form, that will accompany the ballot question. We attach a blank version for North West Mull Community Woodland Company Limited.

<< File: Template - Forms - Schedule 10 crtb2016.docx >>

North West Mull Community Woodland Company Limited are also required (at the time the ballot results are to be returned to Scottish Ministers, to provide Scottish Ministers with a completed Section 51B Information Form (attached). This is used by Scottish Ministers when considering whether to consent to the Right to Buy or not. The form allows for Community groups to inform Scottish Ministers what (if any) supporting information they are supplying (i.e a Business Plan/Feasibility study etc). I also attached a helpful Business Plan top-tip document for use in preparing any future business plans

<< File: Template - Forms - Section 51B Information Form.docx >> << File: Guidance - Business Plan top tips.docx >>

All the attached documents will be discussed when we visit, along with timelines, who does what when, and what support we can provide North West Mull Community Woodland Company Limited, funding etc.

Regarding a visit, we are planning on a visit sometime W/C 13 November 2017 (either the 14/15 or 16). Given time to travel to Mull from Edinburgh an evening meeting would be helpful for ourselves. It also means we can always visit Ulva Ferry the next day to at least look at the land on Mull, and look over to the Isle of Ulva. I would be grateful if you could confirm which day is best for the group.

If not already doing so, I would recommend North West Mull Community Woodland Company Limited apply for stage 2 Scottish Land Fund funding as well as applying to other funders. Please note – there is more than the Scottish Land Fund out there for community groups to apply to (both for purchase and development costs). To help you further I also attach a link to numerous funding options that North West Mull Community Woodland Company Limited may wish to review, and if need be, consider approaching these funders.

<http://www.gov.scot/Topics/farmingrural/Rural/rural-land/right-to-buy/fund>

Please Note – I am on leave 3 to 13 November. My colleagues [REDACTED] and [REDACTED] are monitoring my inbox while I’m on leave, so will be able to pick on the visit arrangements with you while I’m off.

At this time, there is nothing much for the community to do regarding the Trigger stage, unless you want to have a look at preparing a “draft” question or filling out a “draft” schedule 10 form or preparing “draft” ballot promotional material. Otherwise, please continue in developing any business plan and obtaining funding. If you have questions or “drafts”, then it may be best to compile a list and send them on Friday 10 November, so that we can review them and be able to answer them when we meet up.

Hope this is helpful. As said, it will all be discussed (and hopefully made clear) when we visit.

[REDACTED]

[REDACTED]

[REDACTED]

From: Ian A Hepburn <ian_nwmullwoodland@btconnect.com>
Sent: 09 November 2017 12:01
To: [REDACTED]
Cc: [REDACTED]

Subject: RE: Possible format for visit

Follow Up Flag: Follow up
Flag Status: Flagged

[REDACTED]

Sounds good to me, if you're on the 12.00 you'll in Dervaig by about 13.40. To find us travel from Craignure towards Tobermory and about 1.5 miles after passing through Salen on the main road (ignore satnav if it suggests a left turn in Salen) turn left just before a bridge and take the road to Dervaig. Arriving in Dervaig you'll come to a T junction. Turn right up the hill past the church the turn left immediately after the pub turn left again into the car park. Opposite you will be a green Corrugated Iron building with a Red roof that imposing building is the church hall and our office.

More than happy for [REDACTED] to join us at any time.

Looking forward to meeting those members of the team that I've not met so far and no doubt we'll have time to catch up tomorrow in Arrochar.

Best

Ian

From: [REDACTED]
Sent: 09 November 2017 09:46
To: ian_nwmullwoodland@btconnect.com
Cc: [REDACTED]
Subject: RE: Possible format for visit

Ian

The main purpose of this visit is actually to make sure that the group are clear on what the next steps are, what additional or more detailed information we require in order to allow the Cab Sec to make a decision on whether to allow you to proceed with the purchase, and to allow the group to ask us questions (which is much easier face to face than via phone or email).

We'll be staying in Tobermory (at the Western Isles Hotel) so happy to meet in either Dervaig or Tobermory, whichever suits you best. We'll be getting the midday ferry from Oban on the 14th and returning on the 15:00 ferry on the 15th so that should give us plenty of time for your proposed agenda.

There will be [REDACTED] and I from the team, but my partner, [REDACTED] will also be coming along and won't attend the meetings on the 14th, but would like to take the opportunity to come across to Ulva on the 15th if that's OK?

I'm also more than happy to take in any other discussions with your CLS hat on, if you feel that would be useful and can make use of any additional time that we might have.

Feel free to get in touch in the meantime.

[Redacted]

From: [Redacted]
Sent: 09 November 2017 07:06
To: [Redacted]
Cc: [Redacted]
Subject: FW: Possible format for visit

Please see the attached proposed agenda for your Ulva visit.

Ian

From: Ian A Hepburn [mailto:ian_nwmullwoodland@btconnect.com]
Sent: 08 November 2017 17:54
To: [Redacted]
Cc: 'John addy'
Subject: Possible format for visit

Hi Ian,
We've been looking to pull together a suggested programme for your visit. Logistically, at least as we see it, it breaks into two sections the first on the afternoon/evening of the 14th being chance for you to meet the Steering group comprising John Addy, Andy Mayo, Colin Morrison and myself who are all directors of NWMCWC and [Redacted] and [Redacted] and [Redacted] who are residents of Ulva. If possible we will arrange for the remaining directors to attend as well.

We'd like the first part of this meeting to be held in our office in Dervaig so that we can provide you with a short presentation on the objectives delivered to date by the company and the current projects and the timelines for delivery.

I'm conscious that there is a significant amount of form filling to complete and if you're staying over in Tobermory or Craignure rather than Dervaig it may be that we'll need further time to complete the tasks in which case I'm sure we could arrange a room wherever you're staying.

On the 15th, we could meet at Ulva Ferry then go across to Ulva where John and Rebecca could give you a further short presentation on the specifics of our plans for Ulva, followed by a tour of the key elements and areas.

Finally on the assumption that part of your visit is to assess our capacity to undertake the project we have compiled brief CVs for all the people you are meeting as well as a Skills survey for the group. If you would find copies of these valuable before or during your visit please let me know.

I hope the above is of assistance but of course if you wish to modify/delete/amend or scrap any or all that's fine by us.

Regards

Ian

Ian A Hepburn

Director – North West Mull Community Woodland Company Ltd

Office 01688400600

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

[REDACTED]

From: John Addy [REDACTED]
Sent: 28 November 2017 10:24
To: [REDACTED]
Cc: Colin Woodland; Ian A Hepburn
Subject: Re: North West Mull Community Woodland Company Limited - CB00221 - Latest update from SG
Attachments: ULVA BALLOT PAPER.pdf; Schedule 10 form 5 11 17.docx; WOULD YOU LIKE TO LIVE ON ULVA.pdf; Questions 17 11.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello [REDACTED]

Here's our draft schedule 10 form - But I'm afraid the locked formatting of the form won't allow us to get rid of the blank lines in order to keep it to 2 sides of A4 - something needs fixing or maybe its just my (lack of) skills with Word.

Also attached is a draft Ballot form

Haven't heard from ERS yet, but will wait till you have had chance to look at these first drafts before contacting them.

We are putting out the attached Q & A sheet out in the December edition of our local monthly paper, "Round and About Mull & Iona". We'll be adding to this and updating closer to the ballot and we intend to put out a mailshot ahead of the ballot. (I understand the owners are putting something in the same edition of R & A but I dont know what their piece will say)

Regrding "Skills" and "Capacity" we are about to start work recruiting a Project Manager dedicated to the Buyout. Hoping to get someone lined up and ready to hit the ground running in January.

I should also mention that we are in discussion with Mull and Iona Community Trust (MICT) with a view to them taking on a significant role in housing development on Ulva - Early days on this but we hope to have something concrete on how the collaboration will work in time to be included in the Business Plan to be submitted in January.

Finally we have put out a general invitation for expressions of interest from people who may want to live on Ulva. This will help us gauge the demand. It will likely help us with economic development planning because we're also asking people what they would propose to do business/occupation wise.

Look forward to any thoughts you have on the ballot drafts

regards

John

On 24 Nov 2017, at 15:41, [REDACTED]

Hi John

c.c Colin/Ian

Was a pleasure visiting yourselves last week, and for yourselves taking time to show us around part of a very muddy Isle of Ulva. If I had been a 10 yr old kid (or a dog), I would have loved all that mud. Although the island air didn't help my cold.

Just to let you know, I have passed all your details onto the Electoral Reform Services (ERS), and I believe Simon from the ERS may have now been in touch.

You mentioned at the meeting that you had already developed a possible ballot question and had completed the schedule 10 form (minus the valuation figure). As advised at the meeting we are happy to look at the "drafts" of these for yourselves if you wish, prior to you formally submitting them to the ERS. You will need to submit them to the ERS within 7 days from the valuation report being issued (valuation due 12/12/17 – therefore ballot question and schedule 10 needs to be with the ERS by 19/12/17).

We are also happy to look over any "draft" ballot promotional work you may be working on as well.

Ian – thanks for forwarding the steering group skills. It may be useful when developing the business plan to create a section called skills, and insert the excel table into this. You may also wish to consider where there is a skills shortage in the company, that you demonstrate how the company plan to address any shortages (i.e. employ someone, training for the current members, or hire in help etc) in the business plan to, and whether any approaches to get these skills has been made.

Again, as advised, we are happy to look at "drafts" if you wish.

Have a good weekend.

[Redacted signature block]

[Redacted contact information]

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.
