



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 2

#### THE COMMUNITY RIGHT TO BUY

### CHAPTER 7

#### GENERAL AND MISCELLANEOUS PROVISIONS

#### **65 Effect of right to buy on other rights**

- (1) Any rights of pre-emption, redemption or reversion otherwise exercisable over land in which a community interest has been registered are—
  - (a) suspended as from the date when the community body sends the confirmation sought by Ministers under section 49(2)(a) above of its intention to buy the land; and
  - (b) revived—
    - (i) when the transfer under this Part of this Act of the land to the community body is completed; or
    - (ii) if such a transfer is not completed because the community body does not (by virtue of declining, under section 54 above, to buy the land or for any other reason) proceed to buy the land.
- (2) Any rights which a person has in land over which a community interest has been registered, being rights conferred on the person under—
  - (a) Part 3 of this Act;
  - (b) section 12 of the Crofters (Scotland) Act 1993 (c. 44);
  - (c) any order under that Act of the Land Court in favour of the crofter;
  - (d) the provisions of Part III of the Housing (Scotland) Act 1987 (c. 26) relating to a person's right to purchase the house of which the person is a tenant,are suspended as provided in paragraph (a) of subsection (1) above but revived in the circumstances set out in paragraph (b) of that subsection.
- (3) Nothing in this Part of this Act—
  - (a) affects the operation of an inhibition on the sale of the land;

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*Status: This is the original version (as it was originally enacted).*

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- (b) prevents an action of adjudication from proceeding; or
- (c) affects the commencement, execution or operation of any other diligence.

## **66 Amendment of Land Registration (Scotland) Act 1979**

After subsection (3) of section 4 of the Land Registration (Scotland) Act 1979 (c. 33) (applications for registration) there shall be added—

- “(4) Where an application is not accepted by the Keeper on the ground that he has not been provided with sufficient evidence to confirm that it does not relate to a transfer which is prohibited by section 40(1) of the Land Reform (Scotland) Act 2003 (asp 2), or by virtue of section 37(5)(e) of that Act, the Keeper shall, subject to subsection (5) below, provide the Scottish Ministers with a copy of the application and notify them of the reason for which the application has been rejected.
- (5) Subsection (4) above does not apply where the application has been rejected by reason only of the application not being accompanied by a declaration required under section 43(2) of that Act of 2003.”.

## **67 Construction of references to land in which community interest registered**

- (1) Any reference in this Part of this Act (other than a reference in subsection (2) below) to land in which a community interest has been registered includes a reference to part of such land.
- (2) Subsection (1) above shall not operate so as to enable a right to buy land to be exercised by a community body in relation to part only of the land in respect of which the right has arisen.
- (3) Any reference in this Part of this Act to a creditor in a standard security with a right to sell land is a reference to a creditor who has such a right under—
  - (a) section 20(2) or 23(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35); or
  - (b) a warrant granted under section 24(1) of that Act.