



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 4

#### GENERAL AND SUPPLEMENTARY

#### [<sup>F1</sup>97Z1 Mediation

- (1) Subsection (2) applies where—
  - (a) a community body seeks to—
    - (i) register an interest in land under Part 2, or
    - (ii) exercise its right to buy land under that Part,
  - (b) a crofting community body seeks to exercise its right to buy—
    - (i) land under Part 3,
    - (ii) the interest of a tenant under section 69A, or
    - (iii) eligible sporting interests under section 70, or
  - (c) a Part 3A community body seeks to exercise its right to buy land under Part 3A.
- (2) Ministers may, on being requested to do so by a person mentioned in paragraph (a), (b), (c), (d), (e), (f) or (as the case may be) (g) of subsection (3), take such steps as they consider appropriate for the purpose of arranging, or facilitating the arrangement of, mediation in relation to the proposed—
  - (a) registration of the interest in land under Part 2, or
  - (b) exercise of the right to buy the land, tenant's interest, or (as the case may be) eligible sporting interests.
- (3) The persons are—
  - (a) the owner of the land,
  - (b) any creditor in a standard security over the land or any part of it with a right to sell the land or any part of it,
  - (c) the community body,
  - (d) the crofting community body,
  - (e) the Part 3A community body,
  - (f) the tenant in relation to whose interest the crofting community body seeks to exercise its right to buy,

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- (g) the owner of the eligible sporting interests in relation to which the crofting community body seeks to exercise its right to buy.
- (4) The steps mentioned in subsection (2) include—
  - (a) appointing a mediator,
  - (b) making payments to mediators in respect of services provided,
  - (c) reimbursing reasonable expenses of mediators.
- (5) In subsection (3)(b), the reference to a creditor in a standard security over the land or any part of it with a right to sell the land or any part of it 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, or
  - (b) a warrant granted under section 24(1) of that Act.]

#### Textual Amendments

- F1** S. 97Z1 inserted (15.4.2016 for specified purposes, 27.6.2018 ) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\), ss. 75, 142\(1\); S.S.I. 2015/399, art. 2, sch. \(with art. 3\); S.S.I. 2018/139, art. 2\(b\)](#)

## 98 General and supplementary provisions

- (1) In this Act—
    - “Land Court” means the Scottish Land Court;
    - “Lands Tribunal” means the Lands Tribunal for Scotland;
    - “Ministers” means the Scottish Ministers;
    - “prescribed” means prescribed by regulations made by Ministers.
  - (2) Any power of Ministers under this Act to make an order or regulations shall be exercisable by statutory instrument.
  - (3) Any such power includes power to make—
    - (a) such incidental, supplementary, consequential, saving or transitional provision as Ministers think necessary or expedient;
    - (b) different provision for different cases and for different classes of case.
  - (4) Subject to subsection (5) below, a statutory instrument containing an order (other than an order made under section 100 below) or regulations made under this Act shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
  - (5) A statutory instrument containing an order made under section 4, 8, <sup>F2</sup>...<sup>F3</sup>35(4),] 36, 42, <sup>F4</sup>72(4), 78, 94 or 97E(4)] above <sup>F5</sup>or regulations made under section 34(A1) (b), (4A) or (4B), 38(2B), 71(A1)(b), (4A) or (4B), 97C(4), (5) or (6), 97D(1)(b), (7) or (8), 97F(9), 97H(6) or 97N(1) or (3) above] shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.
- <sup>F6</sup>(5A) In making a decision under section 38(1), 44(3), 51(1)(b), 73(2) or 97G(2), Ministers are to have 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—

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- (a) any amendments in force in relation to the United Kingdom for the time being, and
  - (b) any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.]
- (6) Any requirement or other provision in this Act for or about the sending or making of any application, invitation, response, confirmation, notice or other document, or any copy of such a document, shall be taken to have been complied with if the document was posted by recorded delivery post or such other postal service as is referred to in paragraph 3 of Schedule 8 to the Postal Services Act 2000 (c. 26).
- (7) Subject to subsection (8) below, the effective date of any application, invitation, response, confirmation, notice or other such document sent by such post shall be—
- (a) the day after the date it was posted; or
  - (b) where any period in this Act is to be calculated from or with reference to the date of making or sending the application, invitation, response, confirmation, notice or document, that date.
- (8) Nothing in subsection (7) above affects the requirements in sections 37(9), 49(4)<sup>F7</sup>, 52(3), 97G(7) and (9) and 97J(4)] above by which the responses there referred to are to be received by Ministers within a certain time.

#### Textual Amendments

- F2** Word in s. 98(5) repealed (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [Sch. 5](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F3** Word in s. 98(5) inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [Sch. 4 para. 8\(6\)\(a\)\(i\)](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F4** Words in s. 98(5) substituted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [Sch. 4 para. 8\(6\)\(a\)\(ii\)](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F5** Words in s. 98(5) inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [Sch. 4 para. 8\(6\)\(a\)\(iii\)](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F6** S. 98(5A) inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [Sch. 4 para. 8\(6\)\(b\)](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F7** Words in s. 98(8) substituted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [Sch. 4 para. 8\(6\)\(c\)](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)

## 99 Amendments, repeals and savings

The enactments specified in schedule 2 to this Act have effect subject to the modifications there specified and the repeals there specified have effect subject to the savings there specified.

#### Commencement Information

- I1** S. 99 partly in force; s. 99 not in force at Royal Assent see s. 100(3); s. 99 in force for certain purposes at 14.6.2004 by [S.S.I. 2004/247](#), [art. 2\(a\)](#)

## 100 Short title, Crown application and commencement

- (1) This Act may be cited as the Land Reform (Scotland) Act 2003.

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- (2) This Act binds the Crown.
- (3) This Act (except this section and section 98 above) comes into force on such day as Ministers may by order appoint.
- (4) Different days may be so appointed for different purposes.

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**Subordinate Legislation Made**

- P1** S. 100(3) partly exercised; 30.9.2003 appointed for specified provisions by [S.S.I. 2003/427](#), [art. 2](#)
- P2** S. 100(3) partly exercised; 14.6.2004 appointed for specified provisions and purposes by [S.S.I. 2004/247](#), [art. 2](#)

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