



Land Reform (Scotland) Act 2003

2003 asp 2

PART 2

THE COMMUNITY RIGHT TO BUY

CHAPTER 4

PROCEDURE AFTER ACTIVATION OF RIGHT TO BUY

51 Exercise of right to buy: approval of community and consent of Ministers

- (1) A community body shall not proceed to buy land under this Part of this Act without—
 - (a) the approval of the community; and
 - (b) the consent of Ministers.
- (2) The community are to be taken as having given their approval for the purposes of subsections (1) above and (3) below if Ministers are satisfied—
 - (a) that—
 - (i) [^{F1}the proportion] of the members of the community ^{F2}... [^{F3}who] have voted in a ballot ^{F4}... on the question whether the community body should buy the land; [^{F5}is, in the circumstances, sufficient to justify the community body's proceeding to buy the land;]^{F6}...
 - ^{F7}(ii)
 - (b) that the majority of those voting have voted in favour of the proposition that the community body buy the land.
- (3) Ministers shall not consent for the purposes of subsection (1) above unless the community have given their approval and Ministers are satisfied—
 - ^{F8}(a)
 - (b) that the community body continues to comply with the provisions of section 34 above;
 - (c) that what the community body proposes to do with the land is compatible with furthering the achievement of sustainable development;
 - (d) that the proposed purchase of the land is in the public interest; and

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- (e) that there has not, since the date on which they decided the community body's interest should be registered, been a change in any matters to the extent that, if the application to register the community interest were made afresh, they would decide that the interest is not to be entered in the Register.
- (4) A community body may require Ministers to treat as confidential any information or document relating to arrangements for the raising or expenditure of money to enable the land to be put to a particular use, being information or a document made available to Ministers for the purposes of subsection (3) above.
- (5) Ministers shall, within the time limit specified in subsection (6) below, send notice of their decision as to consent and their reasons for it in writing to the community body and to the owner of the land and shall direct the Keeper to enter a record of that decision in the Register.
- (6) That time limit is—
- (a) where one community body has confirmed that it will exercise its right to buy the land, the 21 days following receipt [^{F9}by Ministers] of notification, under section 52(3) below, of the result of the ballot ^{F10}...; or
 - (b) where two or more community bodies have confirmed that they will exercise their right to buy the land, the 21 days following receipt of such notification in respect of the last of the ballots ^{F11}....
- [^{F12}(6A) Where a community body makes representations under section 51C(1), the references to 21 days in paragraphs (a) and (b) of subsection (6) are to be read as references to 35 days.]
- (7) Any failure to comply with the time limit specified in subsection (6) above does not affect the validity of anything done under this section.
- [^{F13}(8) In this section, references to the community are, as respects a community body, references to—
- (a) the community defined in relation to that body under section 34(1)(a), (1A)(a) or (1B)(a); or
 - (b) where that body is a body mentioned in section 34(A1)(b), the community to which that body relates.]

Textual Amendments

- F1** Words in s. 51(2)(a)(i) substituted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), **ss. 48(a)(i)**, 142(1); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F2** Words in s. 51(2)(a) repealed (15.4.2016) by [The Community Empowerment \(Scotland\) Act 2015 \(Consequential Modifications and Savings\) Order 2016 \(S.S.I. 2016/28\)](#), arts. 1(1), **2(2)(a)** (with art. 3)
- F3** Word in s. 51(2)(a)(i) inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), **ss. 48(a)(ii)**, 142(1); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F4** Words in s. 51(2)(a)(i) repealed (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), **Sch. 4 para. 8(3)(a)**; S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F5** Words in s. 51(2)(a)(i) inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), **ss. 48(a)(iii)**, 142(1); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F6** Word in s. 51(2)(a) repealed (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), **ss. 48(b)**, 142(1); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F7** S. 51(2)(a)(ii) repealed (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), **ss. 48(c)**, 142(1); S.S.I. 2015/399, art. 2, Sch. (with art. 3)

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- F8** S. 51(3)(a) 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)
- F9** Words in s. 51(6)(a) inserted (15.4.2016) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **Sch. 4 para. 8(3)(b)(i)**; S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F10** Words in s. 51(6)(a) repealed (15.4.2016) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **Sch. 4 para. 8(3)(b)(ii)**; S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F11** Words in s. 51(6)(b) repealed (15.4.2016) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **Sch. 4 para. 8(3)(b)(iii)**; S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F12** S. 51(6A) inserted (15.4.2016) by Community Empowerment (Scotland) Act 2015 (asp 6), **ss. 51(2)**, 142(1); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F13** S. 51(8) inserted (15.4.2016) by The Community Empowerment (Scotland) Act 2015 (Consequential Modifications and Savings) Order 2016 (S.S.I. 2016/28), arts. 1(1), **2(2)(b)** (with art. 3)

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