



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 2

#### THE COMMUNITY RIGHT TO BUY

### CHAPTER 4

#### PROCEDURE AFTER ACTIVATION OF RIGHT TO BUY

#### **58 Procedure where right to buy activated by virtue of notice under section 50(3)**

- (1) Where a right to buy land arises, and may be exercised, by virtue of Ministers sending notice under section 50(3) above, subsections (2) to (6) below apply in place of sections 56 and 57 above in relation to the exercise of that right.
- (2) It is for the community body to secure the expeditious exercise of such a right to buy and, in particular—
  - (a) to prepare the documents necessary to effect the transfer; and
  - (b) in so doing, to ensure that the land in respect of which the right to buy has arisen is the same as the land to be transferred.
- (3) The community body shall pay a price—
  - (a) equal to the value assessed by the appointed valuer; or
  - (b) determined by an appeal.
- (4) The owner of the land being bought is obliged—
  - (a) to make available to the community body such deeds and other documents as are sufficient to enable the body to proceed to complete its title to the land; and
  - (b) to transfer title accordingly.
- (5) If the owner of the land refuses or fails to make those deeds and other documents available or they cannot be found, the Lands Tribunal may, on the application of the community body, order the owner or any other person appearing to the Tribunal to have those deeds and documents to produce them.

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**Status:** *This is the original version (as it was originally enacted).*

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- (6) If the owner of the land refuses or fails to effect such transfer as is mentioned in subsection (4) above, the Lands Tribunal may, on the application of the community body, authorise its principal clerk to adjust, execute and deliver such deeds or other documents as will complete such transfer to the like force and effect as if done by the owner.