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SCOTTISH STATUTORY INSTRUMENTS

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**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

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(1) 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(2);

“community interest in land” means a community interest in land registered under section 37(3) of the Act;

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(1) [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.

(2) [2005 asp 10](#).

(3) 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<sup>(4)</sup>; 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<sup>(5)</sup>.

- (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)<sup>(6)</sup> 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)<sup>(7)</sup> 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

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(4) 2006 c.46.

(5) 2014 c.14.

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

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

to an application to register a community interest in land made on or after 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(8) 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)(9) 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)(10) 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(11);
- (b) the area of a community council established in accordance with Part IV of the Local Government (Scotland) Act 1973(12);
- (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(13); or

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

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

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

(11) 2004 asp 9.

(12) 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.

(13) 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>

- (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<sup>(14)</sup>.

## 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<sup>(15)</sup>, 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.

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<sup>(14)</sup> ISBN 1-874451-68-0. A National Statistics publication, available via the following weblink <http://www.nrscotland.gov.uk/statistics-and-data/census/2001-census/results-and-products/reports-and-data/key-statistics-for-settlements-and-localities-scotland>

<sup>(15)</sup> 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.

## 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)(16) of the Act is to be in the form of notice specified in Schedule 4.

#### **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)(17) 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(18) 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.

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

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

(18) 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”).

(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.

## 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)(**19**) of the Act, as read with section 39(7)(c)(**20**) 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)(**21**), (1A)(a)(**22**) or (1B)(a)(**23**) 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.

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(19) Section 39(3)(ab) is substituted by section 42(4) of the 2015 Act.

(20) Section 39(7)(c) is inserted by section 42(9) of the 2015 Act.

(21) Section 34(1) is amended by section 37(3) of the 2015 Act.

(22) Section 34(1A)(a) is inserted by section 37(4) of the 2015 Act.

(23) Section 34(1B)(a) is inserted by section 37(4) of the 2015 Act.

## 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)(**24**) of the Act are specified in Schedule 9.

## 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)(**25**) 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)(**26**) of the Act; and
- (b) where Ministers have given the community body their consent in writing under section 35(1)(**27**) 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(**28**).

(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.

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

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

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

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

(28) 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.

(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;
- (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)(**29**) 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)(**30**) 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).

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

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



(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(31) 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
- (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)(32) 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

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

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

- (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).

(2) In any case where Ministers have given their consent in writing under section 35(1)(33) 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

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

(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
- (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(34) 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)(35) 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

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

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

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(36) 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(37) of the 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)(38) 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;

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

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

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

- (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(39) 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(40) 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 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(41) 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;

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

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

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

- (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)(42) 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;
- (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

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**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.



- 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.**

<b>Contact Name:</b> <b>Postal Address:</b>  <b>Town:</b> <b>County:</b> <b>Country:</b> <b>Postcode:</b> <b>Company No. (if applicable)</b>	
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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).

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**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.**

**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.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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**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:

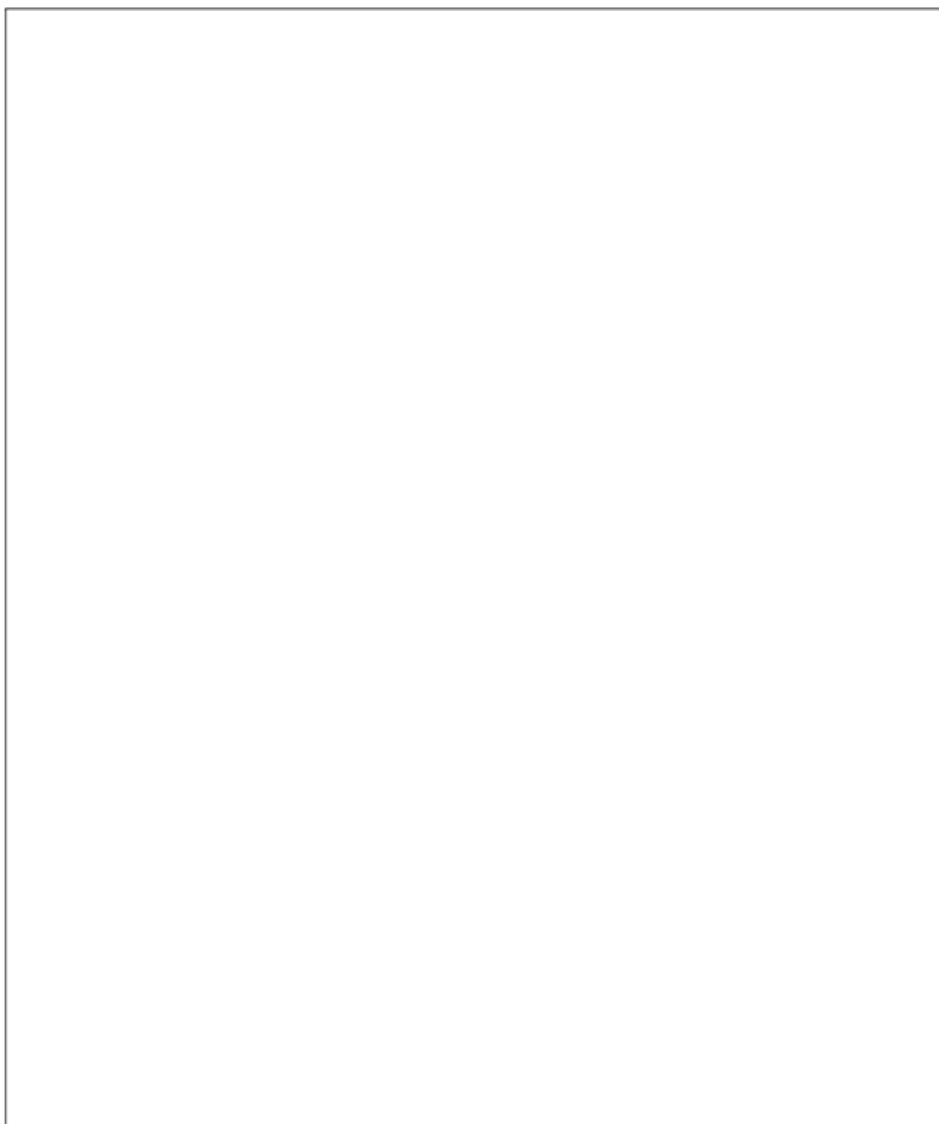
**(B)** A breakdown of the level of support:

- 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.



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**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.

SCHEDULE 3

Regulation 4(b)

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

<b>Contact Name:</b>	
<b>Postal Address:</b>	
<b>Town:</b>	
<b>County:</b>	
<b>Country:</b>	
<b>Postcode:</b>	
<b>Telephone:</b>	

**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.

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- 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. <input type="text"/></p> <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.

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**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.**

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**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.**

<b>Contact Name:</b> <b>Postal Address:</b>  <b>Town:</b> <b>County:</b> <b>Country:</b> <b>Postcode:</b> <b>Company No. (if applicable)</b>	
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**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.

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**5.2** Please provide:

<b>(A)</b> Evidence and details of support obtained, including the date on which the approval of each member of the community was indicated:	
<b>(B)</b> A breakdown of the level of support:	
• Total number of members of the community	<input type="text"/>
• Total number of members of the community who have indicated approval for the registration	<input type="text"/>
• Overall percentage of members of the community who have indicated approval of the registration.	<input type="text"/> %

**SECTION 6 — PROPOSALS FOR THE LAND**

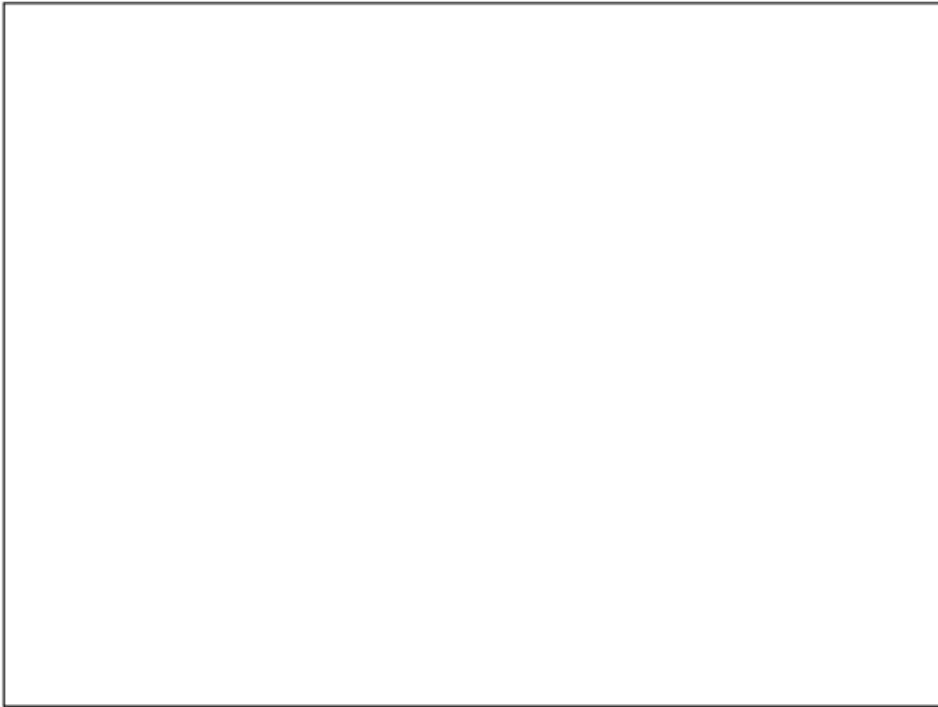
Please mark an "X" in the appropriate box below to confirm whether there have been any changes to any of the following information since the CB's previous application to register or re-register the interest in land:

- 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 user to provide details on their proposals for the land.

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**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.



**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).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**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](http://www.gov.scot) and search for "community right to buy".  
You can also email the completed form and associated documents to [crtb@gov.scot](mailto:crtb@gov.scot)

SCHEDULE 4

Regulation 6

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)  
2003:  
Owner or Creditor in a Standard Security Unknown or Cannot  
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 of 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).....

## SCHEDULE 5

Regulation 8

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 to be registered – 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 Ministers of 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 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 day on which that interest is so registered, given notice under section 48(1) of the Act that a transfer of the land 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.*

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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 the 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 part 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*

SCHEDULE 7

Regulation 10(1)

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 49(2)(a) 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 which you have a registered interest propose(s) to transfer that land (or any land of which that 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 60 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 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 and appropriate*

## SCHEDULE 8

Regulation 10(2)

## 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 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)(**43**) 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.

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

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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?

SCHEDULE 11

Regulation 17(2)

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 balloter to the persons eligible to vote in the ballot. If separate sheets are attached they must be referenced accordingly.

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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.

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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.

<b>Name of Community Body</b>	
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**1.2** CB's Register of Community Interests in Land ("RCIL") registration number.

<b>RCIL Number</b>	
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**1.3** Please supply the address the CB wishes correspondence on the Community Right to Buy process to be issued to.

<p><b>Contact Name:</b></p> <p><b>Postal address:</b></p> <p><b>Town:</b></p> <p><b>County:</b></p> <p><b>Postcode:</b></p> <p><b>Telephone:</b></p> <p><b>E-mail:</b></p>	
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**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.

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**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](http://www.gov.scot) and search for "community right to buy".  
You can also email the completed form and associated documents to [crtb@gov.scot](mailto: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.

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## SCHEDULE 13

Regulation 23

## REVOCATIONS

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

**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 balloter 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 balloter 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 balloter. Regulation 15(1) provides that the ballot must be a secret postal ballot. Regulation 15(2) provides that the balloter 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.