

# LAND REFORM (SCOTLAND) ACT 2003: Part 2

## COMMUNITY RIGHT TO BUY: GUIDANCE



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**GUIDANCE**



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Published by  
Scottish Executive  
St Andrew's House  
Edinburgh

Produced for the Scottish Executive by Astron B32922 6/04

Published by the Scottish Executive, June 2004

This document is also available on the  
Scottish Executive website [www.scotland.gov.uk](http://www.scotland.gov.uk)

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# INTRODUCTION

1. The Community Right to Buy in Part 2 of the Land Reform (Scotland) Act 2003 (“the Act”, which can be accessed via the website detailed in Annex E) provides the opportunity for community bodies (CBs) representing rural areas in Scotland to register an interest in and buy registered land when it comes to be sold. The right to buy therefore requires a willing seller. Because this process must be transparent, legally sound and comply with the European Convention on Human Rights, it is legally complex and contains a range of specific requirements that must be met. This guidance is intended to assist communities interested in acquiring land by this means, landowners who might be affected by a registered interest or a CB's application to exercise a right to buy and those individuals and businesses who feel that their interest in a particular area of land may be affected by such an application. Before submitting your application form, please read carefully this guidance and the accompanying application form guidance, which is also included in this pack.
2. Communities interested in acquiring land should consider the merits of acquisition by agreement, as well as using the legislation. This may result in a deal that better suits the needs of both the landowner and the community, and there may well be no need to use the legislative approach. However, CBs purchasing land through negotiation should consider carefully the advantages offered by the legislation and the security of opportunity that this brings. By **not** registering an interest in the land first, the community may well lose out in the end, particularly if a third party potential buyer is available. While it is for the CB to decide which is its preferred option, the legislation provides a **right** to buy when the land comes to be sold.
3. This guidance cannot take the place of informed professional advice on individual community applications to purchase land. The first consideration for any group within a community wishing to create a CB for the purpose of exercising the community right to buy should be to obtain sound advice. It would also be appropriate for any landowner or other person with an interest in land who considers that a community right to buy application may affect their land or interest to seek such advice. Such professional advice should not only include legal advice, but also advice on valuation, environmental and land management issues.
4. This guidance is necessarily complex in order to cover the statutory requirements in the Act and supporting subordinate legislation. References to the Act are included in the guidance to direct the reader to the appropriate sections if they wish to read the legislation alongside the guidance. A brief explanation is provided

for each section of the Act detailed. The Scottish Executive's Environment and Rural Affairs Department's Land Reform Branch is happy to assist with any queries you may have regarding the Community Right to Buy process. However, it cannot provide legal advice or, due to the impartiality required in advising Ministers on a case-by-case basis, advice which would be seen as supporting a particular group, e.g. a CB, a landowner or any third party involved in a specific case. This guidance may be subject to review as experience is gained in the application of the new legislation. If you are unsure of whether you have the latest version available, or if you have any comments on the guidance itself, please contact the Land Reform Branch.

**5.** A useful introductory guide is provided in “The Community Right to Buy – your questions answered”, published by the Highlands and Islands Enterprise Community Land Unit. Copies are available from the HIE-CLU (see Annex E for contact details). Groups considering community ownership of land might find it beneficial to visit other towns or villages where land is already being managed by community bodies. The HIE Community Land Unit will be able to advise you if there is a comparable initiative in your area and of any funding that may be available to assist with the cost of an appropriate visit.

**6.** The Caledonia Centre for Social Development also provides useful information on community land ownership. Information on existing community land initiatives and on how potential risks and difficulties were managed is available on their Social Land Ownership case studies web pages at <http://www.caledonia.org.uk/socialland/case.htm>





# 1

## GUIDANCE FOR COMMUNITY BODIES

### 1.1 Initial steps

**1.** The initial steps for a community body (CB) wishing to register an interest in and buy land under Part 2 of the Act may vary depending on the individual preferences of the body, local circumstances and the proposals for the land use. In any case, this is likely to involve considerable preparation and commitment both throughout the process and following purchase of the land. While the Act requires a CB to be a company limited by guarantee, for example (see paragraph 1.4 below), it is for each individual CB to determine where they start. You might begin with an idea for a local facility, or you may wish to form a CB to provide support, or you might initially want to gather a few local members of the community to develop your proposals. Alternatively, some CBs or individuals may wish to discuss their proposals with the landowner at an early stage in order to negotiate a sale without using the legislation.

**2.** It is often useful to consider how previous successful community purchases were developed and how potential risks and difficulties were managed and, if you proceed through the right to buy stages, how they have since progressed. Information on existing community land initiatives can be obtained from individual websites, from their registered office, or from the funding agents detailed at Annex E.

**3.** Whatever way you decide to begin, assistance will be available at the various stages of the registration and right to buy processes from the main contacts detailed in this guidance and listed at Annex E. Annex A provides a flowchart of the main stages of the process.

### 1.2 Registrable land

**4.** A CB can apply to Ministers to register an interest in any land other than excluded land. Section 33 of the Act describes eligible land as “registrable land”, appearing to Ministers to be rural, and provides for an order to be made to identify land excluded from the Community Right to Buy. “The Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2004” lists excluded settlement areas and provides for copies of maps detailing excluded land to be made publicly available at the Offices of the Scottish Executive Environment and Rural Affairs Department at the address in Annex E. The Scottish Executive Library and local Agricultural Area Offices with registrable land in their area also hold copies of the maps (see Annex E for details). The set of maps is known as “The Community Right to Buy (Definition of Excluded Land)(Scotland) Order 2004: Definitive Maps”, and should enable you to easily determine whether or not the land in which you wish to register an interest is



registrable. For the purposes of this legislation, excluded settlements are settlements of over 10,000 population, as defined by the General Register Office for Scotland (GROS). Excluded land also includes the foreshore areas adjacent to excluded settlement areas. All other land is registrable.

**5.** Registrable land includes salmon fishings and mineral rights. In accordance with section 53 of the Act, a CB may apply to register an interest in these ancillary rights providing it is at the same time registering, or has already registered an interest in, or already owns, the land to which those rights relate.

### **1.3 Defining your community**

**6.** Section 34(5) of the Act defines a community by reference to postcode unit (an area of land covered by a full postcode, e.g. EH14 1TY) or units in which the CB is situated. Members of the community must also be resident **and** be registered to vote at a local government election at an address within the postcode unit or units defining the community. Postcode unit information can be obtained from the GROS website at [www.gro-scotland.gov.uk/grosweb/grosweb.nsf/pages/geoprod](http://www.gro-scotland.gov.uk/grosweb/grosweb.nsf/pages/geoprod)s. As postcode unit boundaries can be updated regularly, you should ensure that the information you provide is up-to-date. Polling district information should be available at your local library or from your local authority. What is meant by a “community” can vary from case to case, and it is for each CB to demonstrate to Ministers how the community has been defined, for example, the community may include householders further afield if those householders can demonstrate a connection with the land to be registered. In determining any application to register an interest in land, **Ministers will look for an inclusive approach.**

### **1.4 Forming a CB and registering your CB as a company limited by guarantee**

**7.** Section 34 sets out the criteria that define a CB. Ministers have a discretionary power in section 34(2) to accept a CB company with fewer than 20 members. However, this will only be in **exceptional** circumstances where, for example, a remote rural community may not contain 11 members (Since the Act requires a majority of the CB to be community members, 11 would be a majority of the 20 members required). If section 34(2) is to be applied, you should demonstrate why it is not possible for your CB to have 20 members and ensure that the application cannot be construed as a private or family application.



**8.** You should demonstrate that members of your community have overall control of the company. However, the Executive recognises that non-community members can contribute substantially to, and play a vital part in, the success of a community purchase by bringing the necessary skills and expertise.

**9.** Section 34 also requires that a CB must register as a company limited by guarantee and details the requirements which must be listed in the company's memorandum and articles of association. It is possible to buy an “off-the-shelf” product for a reasonable price, which will enable your CB to fulfil this requirement. Following a registration of interest in land or completion of a right to buy, section 35(1) requires that any changes to the company’s memorandum or articles of association must first be approved in writing by Ministers. Written details of the changes should be provided by the CB in such cases.

**10.** Further information on the “off-the-shelf” product can be obtained from Companies House, 37 Castle Terrace, Edinburgh EH1 2EB or from their website at <http://www.companieshouse.gov.uk>. Also, the Scottish Council for Voluntary Organisations (SCVO) provides information to members of the public on setting up a charitable company. See website at [www.scvo.org.uk](http://www.scvo.org.uk)

### **1.5 Demonstrating community support**

**11.** Demonstrating community support is vital to the success of any application to register an interest or to proceed with the right to buy. To register an interest in land, section 38(2) requires you to demonstrate to Ministers that you have the support of **at least** 10% of your community, as defined at 1.2 above. It is for you to decide how the minimum 10% support is demonstrated, as there is no requirement for a ballot at this stage. This could be demonstrated by, for example, a signed list of all those who support the registration, providing those listed are also eligible members of the community as defined under section 1.3 above. In **exceptional** circumstances, less than 10% support may be acceptable, and Ministers will consider carefully the reasons as to why this is the case.

### **1.6 Registering an interest in the “Register of Community Interests in Land” (RCIL)**

**12.** Once you have established your CB as a limited company and achieved the necessary community support, you should now consider completing your application form. **You must use the official form** contained in this pack, or attached as Schedule 1 to the Community Right to Buy (Forms)(Scotland) Regulations 2004, or downloaded

from the Land Reform website at

<http://www.scotland.gov.uk/about/ERADRA/LURP4/00017063/ApplForm.aspx>

**13.** Your application form and supporting documents will be considered by Ministers and will be used to inform their decision as to whether or not your application to register an interest in land should be approved. **It is essential, therefore, that your application is fully completed and all supporting documentation is attached.** Separate guidance is attached as Annex B to assist you in completing the application form.

### **The Keeper of the Register of Community Interests in Land**

**14.** Section 36(9)(a) of the Act indicates that the Keeper of the RCIL shall be the Keeper of the Registers of Scotland. The primary function of the Keeper shall be to maintain the RCIL and to ensure that the Register is made available for public inspection at all reasonable times and free of charge. However, a charge may be made for any extracts requested from the Register. The Register can be viewed by anyone in person at the Registers of Scotland Office, at the address in Annex E, or through the RoS website at

<http://rcil.ros.gov.uk/RCIL/default.asp?category=rcil&service=home>

**15.** Section 36(2) of the Act details the information which must be held on the RCIL, and Scottish Ministers will instruct the Keeper to enter information on the RCIL at various stages in the Community Right to Buy process. Additional information may be entered onto the Register if Ministers so instruct.

### **Unknown or untraceable landowner or heritable creditor**

**16.** Section 37 of the Act should be read carefully prior to completing your application form. Subsections 37(4) and (5) set out the requirements where the landowner (or creditor in a standard security over the land to be registered) is unknown or cannot be found. We expect these cases to be rare, but if you are unable to provide these details, the leaflet “Sources of Land Ownership” may be helpful. This can be obtained from the Registers of Scotland or from the Scottish Executive Land Reform Branch (See Annex E for contact details).

**17.** This leaflet contains helpful sources of land ownership information. If you still cannot identify the owner of the land, you must place an advert in a local newspaper whose circulation includes the area where your CB is situated and also covers the land to which your application relates. You must also affix a conspicuous notice to a

part of the land you wish to register, the content of which is detailed in Schedule 2 of The Community Right to Buy (Forms) (Scotland) Regulations 2004. The notice should be placed near a path or a road if possible and you should consider whether more than one notice is required if the area of land is extensive. It is in your best interests to identify the correct owner as the right to buy cannot be “triggered” without a willing seller. Submitting an application without owner details may therefore delay the right to buy process.

## Multiple registrations of land

**18.** Multiple registrations of land can mean two things: either a CB has registered an interest in more than one piece of land, or more than one CB has registered an interest in the same piece of land. Generally, these issues are likely to be considered as follows:

**18.1 CB with multiple registered interests** – Section 37(14) and (15) require a registered interest to relate to only one holding of land, therefore separate applications must be submitted where a CB wishes to register an interest in land which consists of more than one land holding. In most cases, registration of an interest in more than one piece of land will ensure that the CB has more than one opportunity to purchase a piece of land for its particular purpose. This is aimed at being helpful to both the CB and to the landowner. If a CB registers an interest in only one small area of land (which may be all that is needed), that particular piece of land may not come up for sale for some time, and registering an interest in more than one similar pieces of land would provide more opportunities. Also, if a CB registers an interest in the land it needs, the owner may be able to “lot” the land for sale in a way that is favourable to meeting the needs of the local community. Multiple registrations should therefore not be used as “blanket” registration, and a CB should demonstrate serious intent to purchase any land subject to its registration. This should be done by focussing your registration purely on land that, given the opportunity, you would want to proceed with the right to buy. It should also be noted that any attempt to “blanket” register a large piece of land where only a small piece is required will, under section 67(2), result in the CB having to buy either all or none of the registered land if the whole lot is put up for sale. This may result in your CB missing out on the piece of land it needs, or having to buy too much land at additional expense.

**18.2 More than one CB with registered interest in same land** – The Act does not prevent more than one CB from registering an interest in the same piece of land. In some cases, where very different purposes are intended, this



is reasonable. However, if the land comes up for sale and more than one CB confirms that they wish to proceed with the right to buy, Section 55 of the Act allows Ministers to decide which one will proceed. However, there is no guarantee that either will proceed where it appears to Ministers that it might not be in the public interest to let one CB proceed over the other if this would result in, for example, a division in the local community affecting its stability. It is therefore very important that all relevant details are provided in your application.

**18.3** Once Ministers have decided which CB should buy the land, the unsuccessful CB's right to buy is extinguished and its registered interest is deleted from the Register. This also applies where both a CB and a Crofting Community Body (CCB) under Part 3 of the Act seek to buy the same land. Separate guidance is available for the Crofting Community Right to Buy. Paper copies are available from Crofting Branch detailed at Annex E.

## Sustainable development

**19.** The Scottish Executive's approach to sustainable development is set out in "Meeting the Needs...Priorities, Actions and Targets for Sustainable Development in Scotland" (available at [www.sustainable.scotland.gov.uk](http://www.sustainable.scotland.gov.uk)). Sustainable development requires an integrated long-term approach to economic, social and environmental issues. The application must demonstrate the extent to which the main purpose of the CB is consistent with furthering the achievement of sustainable development. The application must also demonstrate the extent to which the proposed use, development and management of the property covered by the application would consist of or support the sustainable use or development of the land, including any salmon fishings or mineral rights which are sought for purchase under the Act.

**20.** As regards sustainable development, it is suggested that the best way to do this is to look at the economic, social and environmental consequences and ensure that taking the application in the round, and so far as possible, all of these are positive. As one of the policy aims of Part 2 of the Act is to permit communities greater opportunities to achieve sustainable development, the application should show how this would be an outcome of the proposed purchase. A long-term plan, for example, could usefully demonstrate how this could be achieved. This policy is intended to deliver sustainable communities and that requires recognition of housing and employment needs and access to services. So the CB should obtain advice and expertise to identify the environmental assets and heritage features of the land concerned and clearly indicate how these are to be employed, maintained or enhanced for the benefit of the community.



**21.** In considering sustainable development issues for an application, it may be helpful to consider the content of the Scottish Executive Sustainable Development Directorate’s website. This is available at [www.sustainable.scotland.gov.uk](http://www.sustainable.scotland.gov.uk) The Sustainable Development Directorate can be contacted at Area 1-H(N), Victoria Quay, Edinburgh EH6 6QQ (Tel: 0131- 244-7311). Alternatively applicants can contact the appropriate local authority’s sustainable development staff who can be contacted through the Sustainable Scotland Network [www.sustainable-scotland.net](http://www.sustainable-scotland.net).

### **The Ministers’ decision**

**22.** Most of the criteria that Ministers need to take account of in determining an application are clearly factual, but sections 34(4), 38(1)(b)(ii) and 38(1)(e), covering registration of interest, and sections 51(3)(c) and (d) at right to buy stage, involve subjective judgements. It is likely that the owner and other interested parties will offer views on these issues. Some of these views may raise factual points but on other points Ministers may need to reach a conclusion based on the views expressed and responses offered and make a judgement on these issues on a case-by-case basis, with each decision dependent on the circumstances of each case. Nevertheless, there are points that are generally relevant to the way Ministers will decide whether these criteria are met and these are discussed below.

### **Furthering the achievement of sustainable development**

**23.** Sections 34(4), 38(1)(b)(ii) and 51(3)(c) provide that Ministers must be satisfied that the registration or exercise of right to buy is consistent or compatible with “furthering the achievement of sustainable development”. The information provided by the CB in the application to register an interest, or about its plans for the future development and management of the property it is seeking to acquire at right to buy stage, will be crucial to determining whether this criterion is met. This legislation is part of a programme of land reform measures intended to support, maintain and develop rural communities. So it is expected that the exercise of the community right to buy should deliver benefits to the community.

**24.** Development, in the wider sense, to deliver these benefits can be of an environmental, economic or social nature and would not be precluded because the gain from the development was purely economic or social. This is because the requirement of the legislation is not that every component of the development contemplated or planned should be compatible with the achievement of sustainable development but rather the application as a whole should be compatible with furthering sustainable development. However, proposals for developments that

might result in lasting significant environmental damage might very well fail to meet this legislative requirement. The same could be true of plans to prevent any development or simply maintain indefinitely the status quo as these may not be construed as being compatible with furthering sustainable development. Applications stand the best chance of success if they address explicitly the likely overall impacts in terms of environmental, economic and social benefits and costs, and that the optimal overall solution has been found which does not have significant downsides on economic/social/environmental grounds.

**25.** A decision by Ministers in favour of a community right to buy application means that Ministers have accepted that what is proposed is compatible with furthering sustainable development. However, that does not imply that any subsequent application for planning permission will be granted. Other issues are relevant to decisions on development planning matters. These decisions will be a matter for the planning authority in the first instance. Neither should consent to a right to buy application prejudice the decision by Ministers on any planning matter which may subsequently come before them for determination.

### **Support for development of the community**

**26.** Sections 38(1)(c) and 53 provide that Ministers shall not consent to an application by a CB to register an interest in or buy land unless they are satisfied that where the subjects of the application are salmon fishings or mineral rights, the CB has or is acquiring sufficient land to enable these subjects to be exploited so as to support the development of the community. There is a clear link between the amount of land to be acquired and the ability to develop a financially viable and worthwhile operation to exploit the salmon fishings or minerals. This is because these things can only be exploited on, or in the case of salmon fishings from, the land. However, the amount of land that is sufficient in any particular case will depend on what is delivered by way of revenue or other benefits.

**27.** Ministers will wish to see that there are plans for exploitation of the salmon fishings or minerals (but these plans will need to be compatible with furthering sustainable development – see paragraphs 19 to 21 above). It will also be necessary to demonstrate that such plans are realistic, are expected to be profitable or, failing that, will provide a real and lasting benefit to the community and that the profit or benefit will make a significant contribution to the development of the community. It may also be necessary to show that this is a new benefit. In the event that Ministers are convinced that purchase of the salmon fishings or minerals will make a significant

contribution then they are likely to conclude that the amount of land acquired or being acquired is sufficient for the purposes of sections 38(1)(c) and 53.

**28.** If there are no plans to utilise salmon fishing or mineral rights, or these plans are unrealistic, or they convey no significant benefits to the community, Ministers may feel bound to reject the application. For example, if a CB were to apply for a right to buy mineral rights so as to prevent any exploitation of these minerals, Ministers could well reject such an application.

### Public interest

**29.** Sections 38(1)(e) and 51(3)(d) provide that a registered interest or community right to buy may be approved only if it is in the public interest. As the public interest is not defined, Ministers must determine whether any particular proposal is in the public interest on a case-by-case basis. It is not a simple matter to determine what might be in the public interest. At the very minimum it will be necessary to demonstrate that the proposed acquisition would bring real benefits to the whole of the local community and not just to some or all of the individual members of the CB. It would also be necessary to satisfy Ministers that such benefits were not outweighed by alleged disadvantages to the wider community, the environment or the economy or were not disproportionate to the degree of harm that would be suffered by private interests as a result of the registration or exercise of the right to buy. For example, an attempt to acquire salmon fishings managed by a local angling club might be liable to fail the public interest test if the outcome of the exercise of that right to buy were to restrict access to or increase the cost of that fishing. Conversely, an application which would lead to substantial public benefits by widening access and improving management of the resource would be likely to be successful.

**30.** A right to buy may also be refused where there is evidence to suggest that the right to buy is likely to be used to subvert the public interest. For example, to thwart the outcome of the planning process. Indeed Ministers will consider the development plan for the area when deciding on the public interest. The planning system does not exist to protect the interests of one person, group or business from the activities of another but guides the future development and use of land in the long term public interest. It may result in decisions that some communities may dislike. However, it would not be in the public interest to allow the community right to buy to be used to subvert that process. Where land to be registered is already included in the local authority's local development plan, CBs will wish to consider discussing this with



their local authority prior to submitting their application to register an interest in the land. Where registered land is included in the local plan at a later date, again CBs should consider discussing their proposals with the local authority as soon as possible and, in any event, before the landowner's notice of intention to sell, under section 48(1), is received. However, inclusion in the local plan should not, in itself, prevent the land from being registered. Conversely, a registration of interest does not guarantee that a right to buy will proceed.

**31.** In determining what is in the public interest, Ministers will also consider the wider public interest, which may include the interest of any sector (however small) of the public which, in the opinion of Ministers, would be affected by the exercise of the right to buy. Ministers do not, as some have suggested, see this as a measure to place the interests of the CB seeking to exercise the right to buy above the wider public interest. Rather, it is intended to protect the interests of distinct existing communities and groups other than the community the CB represents. For example, a CB may be set up to represent a group of people who may vote in a ballot in favour of exercising a right to buy. However, it could be that a large number of other residents are opposed to the right to buy. If this is made known to Ministers, they would be bound to consider how the interests of that community would be affected before reaching a decision. For example, if support for the right to buy was marginal and a potential consequence of proceeding with the right to buy was to create a divided small rural community, Ministers may decide that the adverse effect of the right to buy would outweigh the public interest in retaining a cohesive community.

**32.** If Ministers consider the interests of a particular sector of the public in accordance with the wider public interest and conclude that these interests are adversely affected, that does not mean that they are bound to reject the application.

## **1.7 Submitting your application form**

**33.** Before submitting your application form, please read carefully this guidance and the accompanying application form guidance, which is also included in this pack. You should ensure all details are accurate and legible and that all accompanying documents are clearly labelled. Maps or drawings of the land to be registered may be used to reinforce the accuracy of the location and dimension of the land and should be submitted in the appropriate scale. Failure to do so will cause delay and may result in your application being rejected. You may also miss your opportunity to buy the land if it is then sold quickly, as the landowner is free to sell land until a prohibition notice is issued under section 37(5)(e) of the Act.

**When your application is complete, and you have checked all enclosures are attached, you should send it to the Land Reform Branch at the address in Annex E.**

## **1.8 What happens after your application to register an interest in land has been submitted**

### **Initial checks**

**34.** On receipt of your application in the Land Reform Branch, initial checks will be made, under section 37(11) of the Act, to ensure your application complies with the basic requirements of the Act. This is not part of the detailed consideration for registration purposes, **but it may mean that your application goes no further.** Initial checks will determine whether the form, maps or other supporting documents have been completed correctly, or whether it is obvious that the registration would otherwise be rejected by Ministers without detailed consideration, e.g. if the correct form has not been used, if no map is attached, if a required part of the form has not been completed, or if the land in which it is wished to register and interest is clearly excluded land. In this case, all papers will be returned to the registered office of your CB, detailing the reason(s) for this action.

**35.** Following successful completion of the initial checks, a copy of your application and accompanying documents will be sent to the owner of the land in which the interest is to be registered, and if appropriate, any heritable creditor, seeking their written views on your application within 21 days. A copy of the invitation seeking the owner's views will be sent simultaneously to you. It may be helpful if you have already spoken to the landowner about your proposal. You will then receive, under Section 37(9), a copy of the landowner's response to Ministers on your application and you will then have 21 days by which to submit comments. At this stage, you will also receive first notification of your RCIL registration number, which should be quoted in all future written or telephone communication concerning that case.

**36.** The above letter sent to the landowner under section 37(5)(e) will contain a notice prohibiting the landowner from taking any action to sell any land forming part of your application, from the date he/she receives the letter until the date when Ministers approve or refuse your application. This will be known as a temporary prohibition pending Ministers' decision. Passing the initial check above is therefore necessary to allow the prohibition to take place. Failure to do so may allow the landowner to openly market the land, and you may then be required to comply with the late registration provisions in Section 39 of the Act.



**37.** Section 37(17) requires Ministers to send notice of their decision on whether your application should be registered within 63 days of receipt of your initial application. This notice will also contain reasons for Ministers’ decision, and will be copied to the landowner and, if appropriate, any heritable creditor. If your application is successful, the Keeper will be instructed to enter the details in the RCIL, and Section 40(1) will come into effect, prohibiting the landowner from transferring the land in which the interest has been registered. Your right to appeal to the sheriff against Ministers’ decision not to approve the registration is set out at Annex C of this guidance.

**38.** Following action taken by Ministers under section 37(7), all information relating to the application will be made publicly available through the RCIL, except funding information specifically exempt under Section 36(3) and (4) of the Act.

## **1.9 Late applications**

**39.** Section 39(1) of the Act provides timescales between which a CB’s application to register an interest will be considered as a “late application”. While late registrations are expected to be submitted only in **exceptional circumstances**, this will most commonly be after land comes onto the open market, or has otherwise been advertised for sale. You may not be aware that the landowner has taken steps to dispose of land contained in your application, but if you think section 39 applies to your application, you must complete questions 1 and 8 of Part B of the application form and Ministers must receive your application before either the date on which the missives for the sale of the land are concluded, or an option to buy the land is conferred.

**40.** While there is no legislative requirement to do so, **it would be helpful if you could telephone the Land Reform Branch in advance of submitting a late application**, as the timescales during this process are more restrictive.

**41.** If you are submitting a late application, particular attention should be paid to the criteria to be met in section 39(3). You must be able to demonstrate, in addition to meeting the criteria set out in section 38:

- that there are good reasons why the application is late;
- that there is a significantly greater level of support within the community than that required for a timeous application under Section 38(2); and
- that the information provided is strongly indicative that registration would be in the public interest.

**42.** If you are unaware that your application will be deemed to be “late”, the landowner is required under section 39(2) to inform Ministers of that fact on receipt of a copy of your application sent under section 37. You should also note that if you are applying under section 39, you will not be asked for views on comments made by the landowner. However, having submitted an application thought to be timeous, you may then be asked to provide further information to Ministers.

**43.** Ministers shall, within 30 days of receiving a late application, send notice to you and to the landowner/creditor of their decision on whether the application has been approved. Reasons for the decision taken by Ministers will be provided.

**44.** The envelope containing your late application should be sent to the address at section 1.6 above, **and should be clearly marked “LATE APPLICATION”**. If your late application is rejected, you can still apply to register an interest in the land against the new owner, or against the present owner if the transaction underway is not concluded.

### **1.10 Effect of registration**

**45.** Section 40 of the Act sets out the legislative details of the effect of a registered interest. If Ministers decide to approve the application, they will direct the Keeper to register the interest in the RCIL. For so long as the community interest in the land is registered, the owner of the land, and any creditor in a standard security having the right to sell that land, is prohibited from transferring the land, or taking any action with a view to a transfer, unless the transfer is specifically exempt under section 40(4). Further details of exempt transfers are contained at section 2.6 of the Guidance for Landowners. If section 40(4) is invoked, and a transfer is completed, your registration will remain and the prohibition on the registered land will apply to the new owner. The right to buy may then be “triggered” on the action of the new owner. If you are aware of an exempt transfer taking place, you should inform the Land Reform Branch. There is no legislative requirement to do so, but this would help to keep the details of your case up-to-date and avoid delay if an opportunity to purchase the land arises under the new owner.

**46.** Action with a view to a transfer, as described in section 40(1)(b) of the Act, would be action such as verbal notification to another party that the owner intends to sell the land.

**47.** If the land subject to your registration is transferred without your knowledge, and the landowner has breached the prohibition under sections 37(5)(e) or 40(1), you



are entitled to apply to the Lands Tribunal for Scotland under section 50 of the Act within 10 years of a breach to buy the land as if the landowner was informing Ministers of the intention to sell under section 48(1) of the Act. However, all of the criteria in section 50(2) must be met and the onus is on the CB to instigate this. Where a breach has taken place, particular attention should be paid to the provisions in section 58 of the Act, as it is for your CB to ensure that the necessary paperwork effecting the transfer is prepared. If the landowner fails to assist with transferring the registered land, your CB is entitled to seek assistance from the Lands Tribunal for Scotland under section 58(5) and (6) to assist the transfer.

### **1.11 Renewal, deletion and re-registration of interest**

**48.** Sections 44 to 46 of the Act cover renewal, re-registration and deletion of interest.

#### **Renewal of interest**

**49.** Your registered community interest will be valid for a period of 5 years from the date when Ministers approved your application. To ensure your registered interest remains, you can apply at any time from 6 months prior to the expiry date to renew your application for a further 5 years from the previous expiry date. While there is no requirement to do so, the Land Reform Branch is likely to issue a reminder that 6 months registration remains, but you should not depend on this as it is for the CB to ensure sufficient time is allowed for the renewal process to be completed.

**50.** We do not expect the renewal process to be burdensome, but it is important to ensure that the initial serious intent to purchase the registered land remains, and you will therefore be required to complete the “Renewal of Registration” application form. As renewal will not be required within 4 years of commencement, a form will be made available in due course. It is expected at this stage that there will be no major changes to your company’s memorandum or articles of association, as these should have been approved by Ministers under section 35(1) of the Act prior to amending. To simplify this process, you should highlight any changes clearly on the renewal form. Ministers will then consider whether your application continues to meet the criteria set out in section 38 and, if content, instruct the Keeper to renew your registered interest for a further 5 years.

#### **Deletion of interest**

**51.** If at any time your CB decides that it wishes its registration to be deleted or to relinquish its right to buy, section 54(1) requires you to inform Ministers in writing of that fact. On receipt of this information, Ministers will direct the Keeper to delete the

community interest from the Register and notify the owner of the land. Alternatively, if, under section 45 of the Act, Ministers are satisfied that the CB or its registration has changed to the extent that it would not have been approved in the first place, Ministers shall direct the Keeper to remove the registered interest, after having first sought views from both your CB and from the landowner.

**52.** Following any deletion of interest, the landowner is free to market the land for sale, unless another registered interest applies, for example, where there is more than one registered interest on the land or a subsequent registration is approved.

#### **Re-registration of interest**

**53.** Section 46 of the Act provides that a CB may register an interest in the same land at a later date if the previous registered interest expired or was deleted for any reason. However, in attempting to register an interest in the same piece of land for which a previous right to buy was refused by Ministers or not exercised by the CB, you should consider how you can demonstrate that, given the opportunity, a further registration is likely to lead to the right to buy being exercised and would be in the public interest. Where, for example, there is no apparent reason why a CB's registered interest did not proceed to the right to buy at a previous opportunity, it is likely that further questions would be raised as to the intent of the registration.

### **1.12 Exercising the Community Right to Buy**

**54.** In order for a CB to exercise its right to buy land, the landowner (or heritable creditor), must first have informed Ministers and the CB, under section 48(1) of the Act, of their intention to sell registered land, as indicated in section 47(1). Ministers will then, under section 49(2), seek in writing within 7 days your confirmation that you wish to proceed to the right to buy stage. You have 30 days in which to respond to Ministers, otherwise the right to buy is extinguished under section 49(4). It is your confirmation at this point that the 6 months to raise the necessary funding and conclude the sale, under section 56(3), applies and failure to conclude within this period (or within 2 months of the determination of any appeal, or longer if agreed between you and the seller) will result in your right to buy being extinguished and your interest being removed from the Register. If you apply to Ministers to exercise your right to buy, Ministers will then appoint an independent valuer to assess the value of the land. Once the valuation price has been intimated, you cannot proceed to buy the land unless the criteria in section 51 have been met. This includes seeking the approval of the community by ballot (see section 1.14 below) and the approval of Ministers.



**55.** Section 47(2) confirms that only registered land may be purchased under the Act. However, as the lotting arrangements for the sale may not have been available to you before receiving notification that the owner wishes to sell the registered land, you may wish to consider whether you need to discuss the proposed sale with the owner. It may be that additional land has been included in the lot which you are not entitled to purchase under the Act, but as the owner wishes to dispose of this land also, he may consider re-lotting the land or including it as part of the sale by agreement. But you do not have any **right** to buy the additional land.

### **1.13 Valuation**

**56.** Once you have confirmed that you wish to proceed with the right to buy, Ministers have, under section 59 of the Act, 7 days to appoint an independent valuer. The aim of the independent valuation is to ensure the owner receives a fair price, at market value, for the property. What is meant by market value is set out at section 59(6) and (7). The valuation will consist of the value of the land and any moveable property included in the sale, and a brief statement will provide reasons for the valuation figure. For example, if an apparently higher or lower figure is intimated on account of a particular feature of the property, the valuer may provide a general reason for that assessment, rather than detail the specific issues, for example relating to the condition of the property or the work required to rectify any problems. You should therefore consider whether a separate valuation is required for your own purposes. The valuer will take account of the known existence of any person who would be willing to buy the land at a price higher than others would be expected to pay. This reflects market value and ensures the land, and any moveable property included, are transferred at a fair price. It is not the purpose of the legislation to allow CBs to purchase land cheaply and at a financial loss to the seller. Where the CB is buying only part of the land to be sold, the amount of any depreciation in the remaining land included in that lot will be compensated.

**57.** The valuer will act on behalf of Scottish Ministers and not for any other party involved in the purchase and, under section 60(1), will seek your written views on the value of the land and any moveables prior to intimating the valuation price. The landowner will also be consulted. The valuer has 6 weeks to provide Ministers, the landowner and your CB with an assessment of the value of the land, or longer if agreed by Ministers under section 60(3).

**58.** Ministers will meet the costs of their appointed valuer. You may also appoint your own valuer, but these costs will not be met by Ministers.

**59.** An appeals procedure is available should either the landowner or the CB be unhappy with the valuation. This is detailed at Annex C. If the valuer attends an appeal hearing on behalf of Ministers, the Scottish Executive will meet the costs. However, if you invite the valuer to appear as an independent witness, any costs must be met by you.

#### **1.14 Ballot**

**60.** To meet the requirements of the ballot procedures, you should be familiar with sections 51(2) and 52 of the Act and with the accompanying Community Right to Buy (Ballot)(Scotland) Regulations 2004. Failure to conduct the ballot fairly and reasonably and in accordance with the regulations will result in your right to buy being extinguished.

**61.** Following intimation of the valuation price, your CB is required to ballot the local community in order to demonstrate the necessary support for proceeding with the right to buy at the valued price (or at the price following any appeal decision). The ballot should be conducted fairly and reasonably, with all those balloted having the opportunity for a secret ballot. It is for the CB to demonstrate to Ministers that the ballot was so conducted, and you may wish to consider appointing an independent assessor to oversee the proceedings if you consider that this will help to demonstrate the validity of the ballot. You may, for example, wish to seek assistance from your local authority Returning Officer for election purposes. This is not a legislative requirement, as to require an assessor may, in some cases, result in additional unnecessary costs being incurred, particularly in the more remote rural areas where communities are much smaller and balloting members could be more straightforward.

**62.** If you are aware of any objections being raised in relation to the ballot, you should, wherever possible, resolve these prior to submitting your ballot results to Ministers, as any unresolved objections are likely to be submitted to Ministers and may lead to an appeal against the conduct of the ballot. If an appeal is upheld, your right to buy could be extinguished.

**63.** In considering the CB's ballot arrangements, Ministers will pay particular attention to inclusivity. You should therefore ensure that all those residents entitled to vote have the opportunity to do so. For example, you should ensure that those entitled to vote includes members of the community who have requested that their names be removed from the Full Register of voters, which you can check by visiting



your local Council offices or library. However, only certain people and organisations are entitled to take copies of the Full Register. The public version of the Electoral Register, known as the Edited Register, leaves out the names and addresses of all those who have asked to be excluded from that version of the register. A copy of this can be purchased by anyone, and may be a useful place to start. The Executive is presently considering ways of simplifying this process for community bodies.

**64.** You may also wish to consider the merits of assessing the views of any additional persons with the right to appeal. The community will be shown as giving their approval to the right to buy if Ministers are satisfied that:

- at least half the community members voted in your ballot; or
- where less than half the community members voted, the proportion that voted is sufficient to justify the right to buy proceeding; and
- the majority of those voting voted in favour of the community buying that land.

**65.** Section 51(2)(a)(ii) allows an application to be submitted where less than half of the community have voted. This is expected to be only in **exceptional circumstances**. Under normal circumstances, around 26% support is the minimum required but demonstrating that, for example, 49% support from the whole community where only 49% of the community voted (i.e. 100% of those voting) clearly exceeds the minimum 26% support required. Where less than half the community voted, you should demonstrate good reason for this and, in particular, why you think it is in the public interest for the right to buy to be approved, as Ministers may consider this to be sufficient support to justify proceeding with the right to buy. Ministers will consider carefully any reasons given for the required turnout not being achieved.

**66.** Regulation 4 of the Community Right to Buy (Ballot)(Scotland) Regulations 2004 requires a CB to give notice of the date and place on which the ballot will be held not less than 10 days from the date on which the ballot is intimated. You should note that this is the **minimum** notification time required, and you should consider giving as much notice as possible in order to ensure the ballot is seen to be conducted fairly. Such consideration should apply equally to Regulation 5 of the Order, relating to the 10 days required for returning ballot papers when a postal ballot is being conducted.

**67.** The ballot procedures require you to inform Ministers of the ballot results (the number of persons eligible to vote, the number who voted and the number of votes in favour of the proposition) within 28 days from either the valuer's intimation of the price of the land, or from the decision of any valuation appeal.

**68.** Under sections 51(5) and (6), Ministers have 21 days from receiving notification of the ballot result in which to send notification of their decision as to consent to the landowner and the CB. Ministers shall also direct the Keeper to enter a record of the decision in the RCIL. Where two or more CBs have confirmed that they will exercise their right to buy the land, Ministers have up to 21 days following receipt of such notification in respect of the last of the ballots conducted by those bodies.

### **1.15 Funding**

**69.** The Act makes no specific reference to the funding of community purchases of land. It is for CBs themselves to determine where the funding to support the purchase comes from. Annex E contains details of various sources where applications for funding in rural areas can be considered. You should contact the funding agents direct for any advice on funding your community purchase.

### **1.16 After purchase**

#### **What happens next?**

**70.** The whole purpose of the Community Right to Buy is to provide opportunities for rural communities throughout Scotland to secure their future through the purchase and subsequent sustainable development of land. Although the CB has succeeded in purchasing the land, this is not the end of the Act's role in advancing the interests of the community.

**71.** The Act seeks to ensure that the purchased land will remain a resource whose benefits accrue to the community as a whole. Failure to ensure such action will be seen as the CB functioning outwith its agreed memorandum and articles of association. This may result in the same action as in paragraph 69 below.

#### **The community body**

**72.** Section 34 of the Act requires that the CB must be a company limited by guarantee whose surplus funds are applied for the benefit of the community and that, were the CB to be wound up, a successor body would require the approval of Scottish Ministers.



**73.** Section 35(1) requires that a CB may not amend its memorandum or articles of association without the consent of Ministers. Where Ministers believe that a body, having succeeded in an application to purchase would no longer qualify as a CB, they may then compulsorily acquire the land purchased by that body under the legislation.

**74.** The implications of these sections are clear. A CB, or any succeeding body, must continue to observe the requirements of the Act in relation to any land bought under these provisions, e.g. any surplus funds which the CB or successor may enjoy may only be applied to subjects which benefit the whole of the community, and there is therefore no scope for treating any surplus as a dividend to be shared out amongst individuals.

### **If winding-up becomes necessary**

**75.** Section 34(1)(h) and (7) refer to the winding up of the CB company. A CB is similar to any other company being wound up in that its surplus assets, including the land and associated sporting or mineral interests, etc. shall contribute towards satisfying any liabilities the CB may leave behind. Furthermore, section 34(1)(h) provides that any surplus assets not absorbed by liabilities must be transferred to another approved community or crofting CB, or if no such body exists, either to Ministers or to a charity as Ministers may direct.

**76.** Section 34(7) allows a CB to provide in its memorandum and articles of association that any surplus assets may only be directed to a charity. This is because, to enable a CB to have charitable status, any surplus assets following wind-up must be directed to a similar registered charitable body.

### **1.17 Conclusion**

**77.** This guidance demonstrates that community purchase of land under Part 2 of the Act is no easy option, and requires both commitment and patience. You may therefore wish to consider buying the land by agreement, without the use of the legislation, and the key to this is communication. But you should note the introduction to this guidance before making any decision. The assistance of a solicitor is recommended at an early stage in proceedings.

**78.** Annex E provides useful contacts to help you along the way, and following your purchase of land. While the Land Reform Branch cannot provide legal advice, and it must remain objective at all times as our main role is to provide advice to Ministers at various stages of the right to buy process and on a case-by-case basis, we are here to help you with any queries you have regarding the right to buy process.

# 2

## GUIDANCE FOR LANDOWNERS

### 2.1 The landowner

**1.** As a landowner, you play a fundamental part in the Community Right to Buy process. This is because, in order for a community body (CB) to purchase land under Part 2 of the Land Reform (Scotland) Act 2003 (“the Act”), you must be a willing seller, that is, you wish to voluntarily dispose of the registered land. It is therefore for you to determine when your land is sold, how much land you wish to sell and how the land for sale is lotted.

**2.** Section 40(1) of the Act provides that the owner of the land can also be any creditor in a standard security having a right to sell the land.

### 2.2 Registrable land

**3.** A CB can apply to Ministers to register an interest in any land other than excluded land. Section 33 of the Act describes eligible land as “registrable land”, appearing to Ministers to be rural, and provides for an order to be made to identify land excluded from the Community Right to Buy. “The Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2004” lists excluded settlement areas and provides for copies of maps detailing excluded land to be made publicly available at the Offices of the Scottish Executive Environment and Rural Affairs Department at the address in Annex E. The Scottish Executive Library and local Agricultural Area Offices with registrable land in their area also hold copies of the maps (see Annex E for details). The set of maps is known as “The Community Right to Buy (Definition of Excluded Land)(Scotland) Order 2004: Definitive Maps”, and should enable you to easily determine whether or not your land is registrable. For the purposes of this legislation, excluded settlements are settlements of over 10,000 population, as defined by the General Register Office for Scotland (GROS). Excluded land also includes the foreshore areas adjacent to excluded settlement areas.

**4.** Section 47(3) confirms that only registered land may be purchased under the Act. However, as you may be lotting your land for sale, you may wish to consider discussing your proposed lotting arrangements with the CB. Under the terms of the legislation, the CB is only entitled to purchase the registered land included in the lot and, if you wish to sell additional land in the same lot, you may wish to consider selling that additional land to the CB by agreement or alternatively re-lotting the land. Otherwise the sale of all the land in the lot containing registered land will be delayed until the valuation (or subsequent appeal) is complete.



5. Registrable land also includes salmon fishings and mineral rights. In accordance with section 53 of the Act, a CB may apply to register an interest in these ancillary rights as long as it is at the same time registering, or has already registered an interest in, or already owns the land to which those rights relate.

### 2.3 Register of Community Interest in Land (RCIL)

6. If Ministers approve the CB's application to register an interest, all documents relating to the application will be copied onto the RCIL. This will include your written views on the CB's proposal. The Keeper of the Registers of Scotland is responsible for maintaining the RCIL and will ensure that the Register is made available for public inspection at all reasonable times and free of charge. However, a charge may be made for any extracts requested from the Register. The Register can be viewed by anyone in person at the Registers of Scotland Offices, at the address in Annex E, or through the RoS website at

<http://rcil.ros.gov.uk/RCIL/default.asp?category=rcil&service=home>

7. Section 36(2) of the Act details the information which must be held on the RCIL, and Scottish Ministers will instruct the Keeper to enter information on the RCIL at various stages in the Community Right to Buy process. Additional information may be entered onto the Register if Ministers so instruct.

### 2.4 The registration process

8. Following receipt of a CB's application to register an interest in your land, Ministers will, under section 37(5)(b) of the Act, send a copy of the application and supporting documents to you, indicating that you have 21 days in which to provide your views. Failure to provide comments within this time will be taken as you having no objection to the registration. At this stage, the CB's application details will be entered in the RCIL and a prohibition will be placed on the land contained in the application under section 37(5)(e). This will prevent you from disposing of the land which is the subject of the application until a decision on the registration has been made. Any transfer in breach of this prohibition will be of no effect.

9. Under section 37(9), Ministers will then seek views, again within 21 days, from the CB on your response. Ministers will consider all views received before the deadlines prior to reaching a decision on whether the land should be registered. Under section 37(17), you will then receive confirmation of Ministers' decision, a statement of their reasons and information on the effect of the registration. If Ministers decide to approve the application, they will direct the Keeper to register the interest on the RCIL.

**10.** Where you are not the owner of the land to be registered, or if any part of the land to be registered is not owned by you, or is subject to a standard security, you should inform Ministers immediately of that fact. In relation to a standard security, you should read sections 37(5)(c) and (6) of the Act.

**11.** The CB may already have discussed its proposals with you, and you may be expecting to receive the documents mentioned above. Your right to appeal to the sheriff against Ministers' decision to accept the registration is detailed at Annex C of this guidance.

## **2.5 Implications of a registered interest in land**

**12.** Following approval of a CB's application, a further prohibition under section 40(1) will come into effect and you will be prohibited from transferring registered land until the registration no longer applies. Unless the CB requests deletion of their registered interest or refuses the opportunity to exercise its right to buy the land, or Ministers believe that the registration should not have been approved in the first place, the registration is valid for 5 years from the date of Ministers' approval. Any transfer carried out during this time would be of no effect. The only exception to this is a transfer which is exempt under section 40(4) of the Act. This is referred to further in section 2.6 below.

**13.** If the registration is to continue, the CB must apply to Ministers to renew its interest under section 44 of the Act. As with an initial registration, you will then be invited by Ministers to offer your views on the CB's application for renewal. If Ministers approve the renewal application, the registration will last for a further 5 years from the expiry date of the previous application. Renewal is required on a 5-yearly basis.

**14.** If there is more than one CB with a registered interest in your land, each CB will be given the opportunity to consider whether it wishes to proceed with its right to buy the land. If two CBs wish to proceed with the right to buy the same piece of land, and can demonstrate the required community support, it will be for Ministers to decide which one proceeds with the purchase.

**15.** If you feel that you can demonstrate financial loss as a result of not being able to sell your land on the open market, please see the compensation guidance at section 2.11 below.



## Deletion of interest

**16.** If at any time the CB decides that it wishes its registration to be deleted or to relinquish its right to buy, section 54(1) requires it to inform Ministers in writing of that fact. On receipt of this information, Ministers will direct the Keeper to delete the community interest from the Register and will notify you of the deletion. Alternatively, if, under section 45 of the Act, Ministers are satisfied that the CB or its registration has changed to the extent that it would not have been approved in the first place, Ministers shall direct the Keeper to remove the registered interest, after having first sought views from both you and the CB.

**17.** Following any deletion of interest, you are free to market the land for sale, unless another registered interest applies, for example, where there is more than one registered interest on the land or a subsequent registration is approved.

## 2.6 Notification of intention to sell or transfer land

**18.** If you decide to dispose of land which is subject to a CB's registered interest, you are required under section 48(1) of the Act to inform the CB, or CBs, and Ministers of the proposed transfer. The form of notification is prescribed under section 48(2) and is contained in Schedule 4 of the Community Right to Buy (Forms)(Scotland) Regulations which accompany the Act.

**19.** Under section 49 of the Act, Ministers will then, within 7 days, invite the CB to confirm in writing, within a further 30 days, whether it wishes to exercise its right to buy. You will receive a copy of this notice under section 49(5). It is from the CB's confirmation at this point that the 6 months to raise the necessary funding and conclude the sale, under section 56(3), applies. Failure to conclude the transfer within this period (or within 2 months of the determination of any appeal, or longer if agreed between you and the CB) will result in the CB's right to buy being extinguished and its interest being removed from the Register.

**20.** If no confirmation is received within the 30 days from the CB on whether it wishes to exercise its right to buy, its right to buy will be extinguished and the registration will be removed from the Register. Ministers will inform you of this fact and you will then be free to dispose of the land as you wish, unless another CB submits a late application.

## Exempt transfers

**21.** Section 40 of the Act sets out the legislative details of the effect of a registered interest. For so long as the community interest in the land is registered, the owner of



the registered land, and any creditor in a standard security having the right to sell that land, is prohibited from transferring the land, or taking any action with a view to a transfer, unless the transfer is specifically exempt under Section 40(4). If section 40(4) is invoked, and a transfer is completed, the CB's registration will remain and the prohibition on the registered land will apply to the new owner. The right to buy may then be "triggered" on the action of the new owner. If you are to transfer land under section 40(4), you are required under section 43(2) of the Act to incorporate a declaration of exemption in the transfer document. The deed should detail which exemption provision applies in order to disapply the prohibition contained in section 40(1). If your exemption relates to a transfer under section 40(4)(a) (a gift), 40(4)(e) (between companies in the same group), or 40(4)(h) (in relation to partners in a firm or trustees in a trust), the deed must confirm that the transfer does not form part of a series of transfers where the main purpose or effect is to avoid the requirements or consequences of the Act. If you intend to transfer registered land under section 40(4), you should inform the Land Reform Branch. There is no legislative requirement to do so, but this would help to keep the RCIL up-to-date and avoid you being contacted in future about the land.

**22.** Action with a view to a transfer, as described in section 40(1)(b) of the Act, would be action such as verbal notification to another party that you intend to sell the land.

### Transfers in breach of the Act

**23.** If you transfer, or attempt to transfer, the land subject to a CB's registration without informing Ministers and the CB, you will have breached the prohibition in sections 37(5)(e) or 40(1) of the Act. The CB is then entitled to apply to the Lands Tribunal for Scotland under section 50 to buy the land as if you were informing Ministers of the intention to sell under section 48(1). Where a breach has taken place, particular attention should be paid to section 58(5) and (6), which allows the Lands Tribunal for Scotland to take the necessary steps to transfer the land to the CB. A transfer in breach of the legislation is of no effect.

### 2.7 Late applications

**24.** Section 39(1) of the Act provides timescales between which a CB's application to register an interest will be considered as a "late application". While late registrations are expected to be submitted only in **exceptional circumstances**, this will most commonly be after you advertise your land for sale on the open market, or have otherwise advertised for sale. If section 39 applies, subsection (2) requires you

to inform Ministers of that fact on receipt of a copy of the CB's application sent under section 37. However, the CB may not be aware that you have taken steps to dispose of land contained in its application, and it may then be required to provide further information to Ministers demonstrating that, in addition to meeting the criteria set out in section 38:

- that there are good reasons why the application is late;
- that there is a significantly greater level of support within the community than that required for a timeous application under section 38(2); and
- that the information provided is strongly indicative that registration would be in the public interest.

**25.** Ministers shall, within 30 days of receiving a late application, send notice to you and to the CB of their decision on whether the application has been approved. Reasons for the decision taken by Ministers will be provided.

## **2.8 Valuation of land**

**26.** Following receipt of confirmation that the CB wishes to exercise its right to buy the land, Ministers will appoint an independent valuer within 7 days. The aim of the independent valuation is to ensure you receive a fair price, at market value, for the property. What is meant by market value is set out at section 59(6) and (7) of the Act. The valuation will consist of the value of the land and any moveable property included in the sale, and a brief statement will provide reasons for the valuation figure. For example, if an apparently higher or lower figure is intimated on account of a particular feature of the property, the valuer may provide a general reason for that assessment, rather than detail the specific issues, for example relating to the condition of the property or the work required to rectify any problems. You should therefore consider whether a separate valuation is required for your own purposes. The valuer will take account of the known existence of any person who would be willing to buy the land at a price higher than others would be expected to pay. This reflects market value and ensures the land and any moveable property included in the sale are transferred at a fair price. It is not the purpose of the legislation to allow CBs to purchase land cheaply and at a financial loss to the seller. Where the CB is buying only part of the land to be sold, the amount of any depreciation in the remaining land included in that lot will be compensated.

**27.** The valuer will act on behalf of Scottish Ministers and not for any other party involved in the purchase and, under section 60(1), will seek your written views on the value of the land and any moveables prior to intimating the valuation price. The CB

will also be consulted. The valuer has 6 weeks to provide Ministers, you and the CB with an assessment of the value of the land, or longer if agreed by Ministers under section 60(3).

**28.** Ministers will meet the costs of their appointed valuer. You may also appoint your own valuer, but these costs will not be met by Ministers.

**29.** An appeals procedure is available should either the landowner or the CB be unhappy with the valuation. This is detailed at Annex C. If the valuer attends an appeal hearing on behalf of Ministers, the Scottish Executive will meet the costs. However, if you invite the valuer to appear as an independent witness, any costs must be met by you.

## **2.9 Ballot**

**30.** Sections 51(2) and 52 of the Act and the accompanying Community Right to Buy (Ballot)(Scotland) Regulations 2004 detail the requirements for the CB's ballot prior to applying to Ministers to exercise its right to buy your registered land.

**31.** Following intimation of the valuation price, the CB is required to ballot the local community in order to demonstrate the necessary support for proceeding with the right to buy at the valued price (or at the price following any appeal decision). The ballot should be conducted fairly and reasonably, with all those balloted having the opportunity for a secret ballot. It is for the CB to demonstrate to Ministers that the ballot was so conducted and, if you are resident in the community and eligible to vote in a local government election, you will be entitled to vote in the ballot. In considering the CB's ballot arrangements, Ministers will pay particular attention to inclusivity. If you are in doubt whether you should have a vote, you should discuss this with the CB or, if this is not possible, with the Land Reform Branch.

**32.** If you have any objections to the ballot, you should discuss these with the CB conducting the ballot as early as possible, and preferably prior to the CB submitting its ballot results to Ministers, as any unresolved objections may result in a delay to you selling your land. If the CB has already submitted its results to Ministers, you may be able to appeal against the conduct of the ballot, but this may again result in a delay to you selling your land. In either case, you may also wish to discuss your views with the Land Reform Branch.

**33.** Under section 51(5) and (6), Ministers have 21 days from receiving notification of the ballot result in which to send notification of their decision as to consent to you



and to the CB. Ministers shall also direct the Keeper to enter a record of the decision in the RCIL. Where two or more CBs have confirmed that they will exercise their right to buy the land, Ministers have up to 21 days following receipt of such notification in respect of the last of the ballots conducted by those bodies.

### **2.10 Transferring your land to the community body**

**34.** Section 2.6 above indicates that you have 6 months in which to transfer the registered land to the CB (or 2 months following any appeal decision). You may withdraw from the sale at any time, however, the CB's registered interest and the prohibition on the land will remain and you will not be able to sell the registered land to anyone other than the CB. Unless the registered interest is removed for other reasons, your withdrawal from the sale does not remove the CB's right to buy the land should you wish to sell at a later date.

**35.** It is expected that, as you are a willing seller and therefore wish to dispose of the registered land, good communication will lead to a successful transfer of the land to the CB within 6 months. However, if there is any unreasonable delay in transferring title to the land by either party, section 57 of the Act allows for the Lands Tribunal to order the responsible party to take remedial action within a stated time. If you are the responsible party, failure to comply with the order will result in the Lands Tribunal ordering you to decline from the sale or transfer the land to the CB. A further failure will result in the Lands Tribunal affecting the transfer on your behalf.

### **2.11 Compensation**

**36.** Section 63 of the Act provides for any person (other than a CB) who has incurred loss or expense arising from the operation of Part 2, which is additional to costs normally incurred during a transaction of land and any moveable property, to claim compensation. Any person who has incurred loss or expense due to the suspension of a right of pre-emption, redemption or reversion is also entitled to compensation. The circumstances in which compensation is payable are set out in section 63(1) of the Act and the procedures for recovering costs are set out in the Community Right to Buy (Compensation)(Scotland) Regulations 2004.

**37.** Section 63(3) states that compensation following the exercise of the CB's right to buy is restricted to the 6-month period allowed for the land to be transferred to the CB, and any compensation beyond that period should be resolved between yourself and the CB.

**38.** Section 64 of the Act allows the claimant to appeal to the Lands Tribunal for Scotland against Ministers' decision on compensation within 21 days of the decision. The Lands Tribunal may substitute its decision on the amount payable for that of Ministers.

## **2.12 Conclusion**

**39.** This guidance demonstrates that community purchase of land under Part 2 of the Act is no easy option for communities, and it may not suit you either. You may therefore wish to consider selling your land to the community by agreement, without the use of the legislation, and the key to this is communication. However, the legislation provides you with a potential buyer, where otherwise the land may be on the open market for some time.

**40.** The assistance of a solicitor is recommended at an early stage in the proceedings. While the Land Reform Branch cannot provide legal advice, and it must remain objective at all times as our main role is to provide advice to Ministers at various stages of the right to buy process and on a case-by-case basis, we are here to help you with any queries you have regarding the right to buy process. Our contact details are contained in Annex E.





# 3

## GUIDANCE FOR THIRD PARTIES

### 3.1 Who is a third party?

1. Under Part 2 of the Act, a third party may be a member of the community as defined by the CB under section 34(5), or any person who has a known interest in the registered land and who would be willing to buy the land at a higher price than others would be expected to pay, or a person who has a right of pre-emption, redemption or reversion over the registered land.

### 3.2 Identifying your rights

2. Most individuals with any legal rights in or over land should be aware of their rights. You should consider the effects of the CB's registered interest or it proceeding with its right to buy on your rights. If details of your rights are contained on the Sasine or Land Registers held by the Keeper of the Registers of Scotland, these details should appear on the CB's application form to register an interest in the land and, if the registration is approved, will then appear on the RCIL. If these details are incorrect, you should inform the CB and the Land Reform Branch. There is no legislative requirement for you to do so, but this may ensure you have your say in the CRTB process.

### 3.3 Effect of the CRTB on your rights

3. Section 65 of the Act stipulates the effect the CRTB has on pre-emption, redemption and reversion rights. Generally, any legal right you have in the registered land is likely to be suspended from the time the CB confirms it wishes to exercise its right to buy and is revived on completion of the transfer, or if the right to buy does not proceed, for whatever reason.

#### Member of the community

4. If you are a member of the community, as defined by the CB under section 34(5), you will be entitled to vote in the ballot required to demonstrate support for exercising the right to buy. If you meet the criteria set out in section 34(5), you should ensure you have a right to vote in the ballot. You should discuss this with the CB prior to the ballot or, if you discover a ballot in which you had a right to vote has taken place without your knowledge, you should inform the CB and the Land Reform Branch of that fact.

#### Third party purchaser

5. The legislation also provides third parties with certain other rights. For example, if the CB is exercising its right to buy registered land and a valuer has been appointed, section 59(7)(a) of the Act requires the valuer to take account of the



known existence of a person who would be willing to buy the land at a higher price than others would be expected to pay. While this would not allow you to buy the land, it does ensure that your views are taken into account. You may then have an opportunity to buy the land if the CB decides not to proceed with the purchase.

### 3.4 Appeals

**6.** As a third party, you also have a right to appeal, under section 61(3) of the Act, against Ministers' decision to enter a community interest in the RCIL or to consent to the CB exercising its right to buy. This is further detailed at Annex C.

### 3.5 Providing information to Ministers

**7.** If you wish to provide information to Ministers, this should be sent to the Land Reform Branch at the address in Annex E. If the information is of a sensitive nature, for example regarding any breach of the provisions of the Act, this can be done in confidence, and will be treated as such.

### 3.6 Compensation

**8.** Section 63 of the Act provides for any person (other than a CB) who has incurred loss or expense arising from the operation of Part 2, which is additional to costs normally incurred during a transaction of land and any moveable property, to claim compensation. Any person who has incurred loss or expense due to suspension of their right of pre-emption, redemption or reversion is also entitled to compensation. The circumstances in which compensation is payable are set out in section 63(1) of the Act and the procedures for recovering costs are set out in the Community Right to Buy (Compensation)(Scotland) Regulations 2004.

**9.** Section 63(3) states that compensation following the exercise of the CB's right to buy is restricted to the 6-month period allowed for the land to be transferred to the CB, and any compensation beyond that period should be resolved between yourself, the landowner and the CB.

**10.** Section 63(4) refers specifically to individual rights of pre-emption, redemption and reversion.

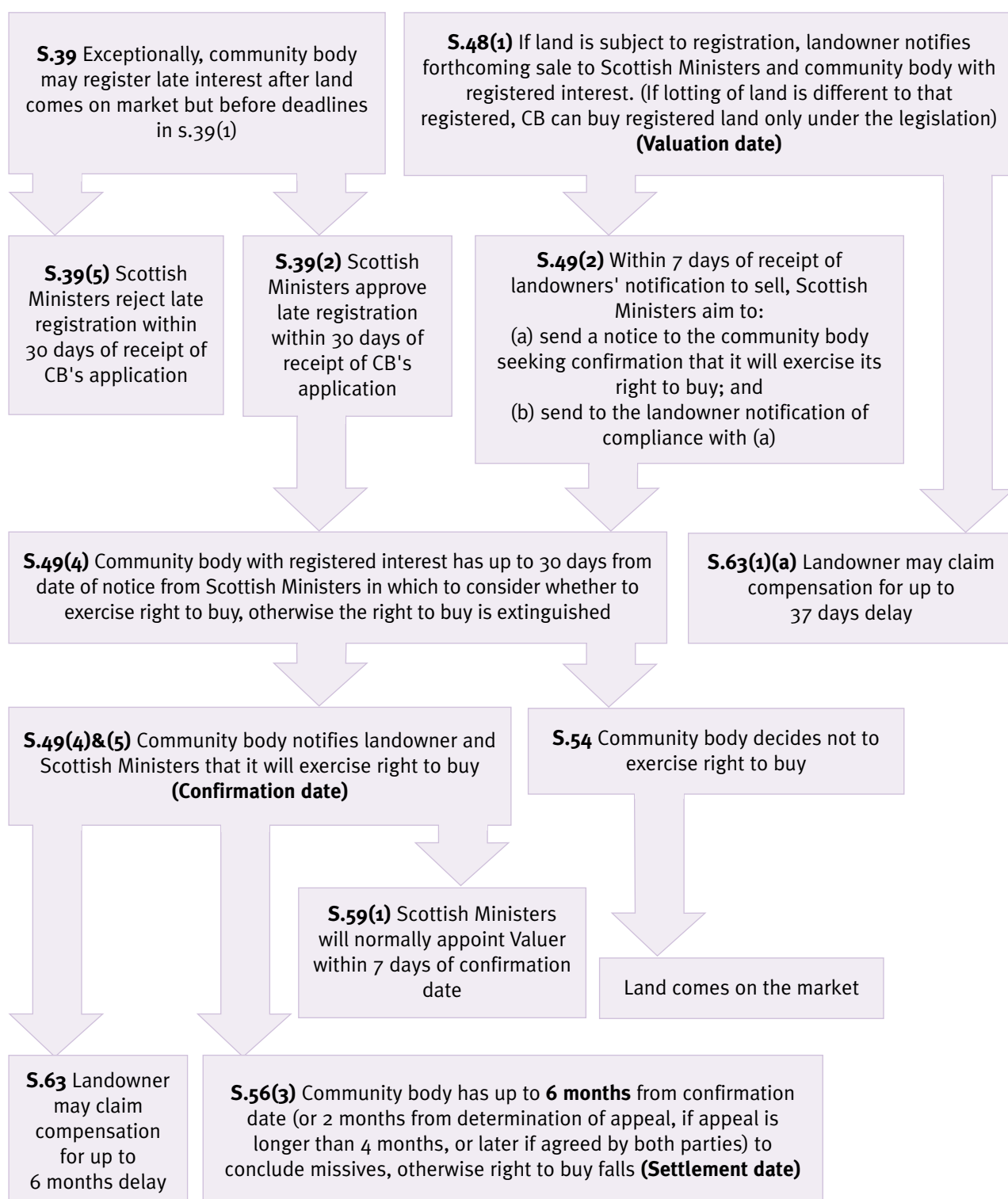
**11.** Section 64 of the Act allows the claimant to appeal to the Lands Tribunal for Scotland against Ministers' decision on compensation within 21 days of the decision. The Lands Tribunal may substitute its decision on the amount payable for that of Ministers.

# ANNEX A

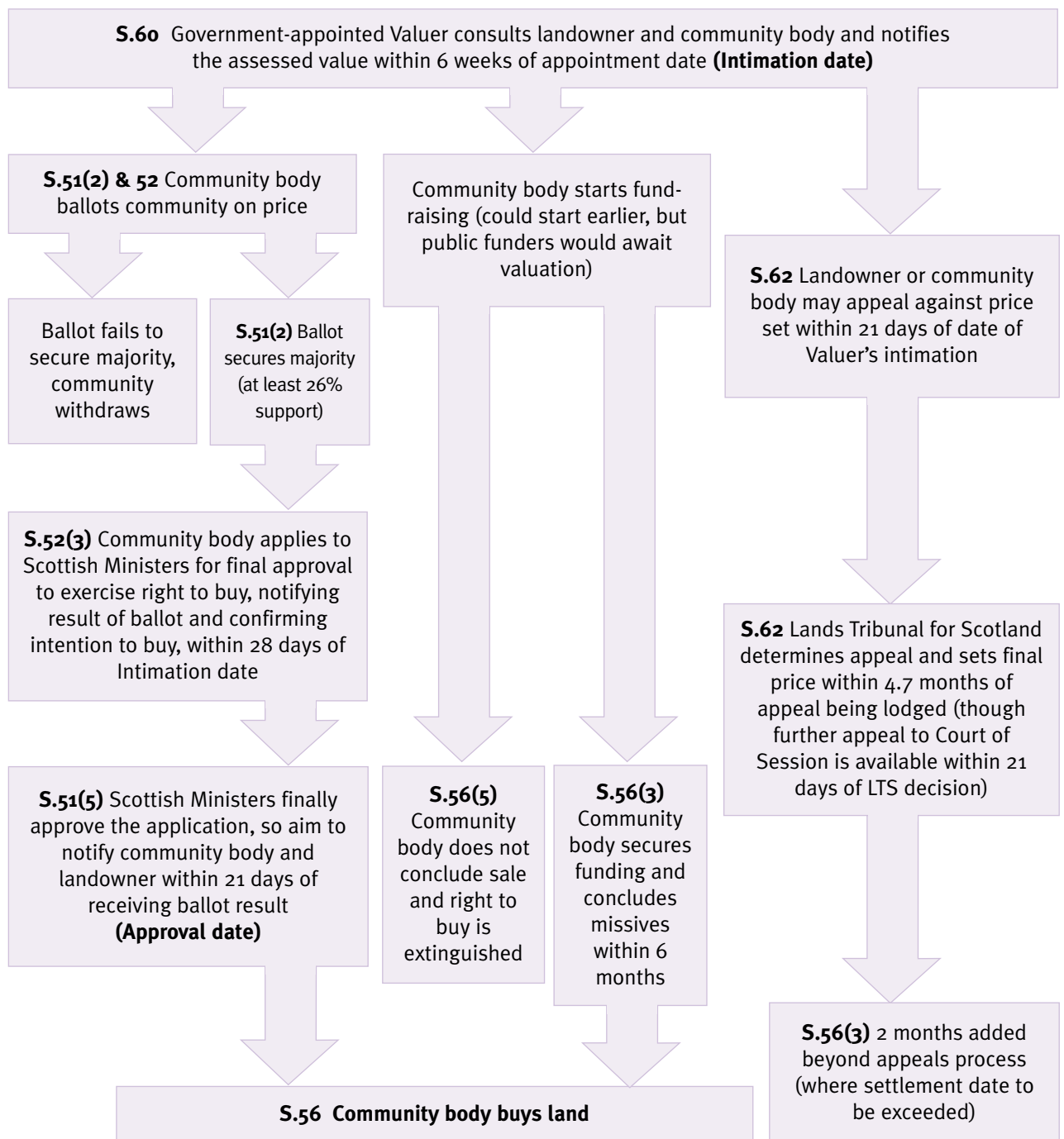
## Stage 1: registration of community interest



## Stage 2: time to assess the community interest



### Stage 3: community right to buy





## COMPLETING THE APPLICATION FORM FOR REGISTERING A COMMUNITY INTEREST IN LAND

1. As indicated in section 1.6 of the guidance, in applying to register a community interest in land under Part 2 of the Land Reform (Scotland) Act 2003, **you must use the official form** contained in this pack, or attached as Schedule 1 to the Community Right to Buy (Forms) (Scotland) Regulations 2004, or downloaded from the Land Reform website at

<http://www.scotland.gov.uk/about/ERADRA/LURP4/00017063/ApplForm.aspx>

2. Your application form and supporting documents will be considered by Ministers and will be used to inform their decision as to whether or not your application to register an interest in land should be approved. **It is essential, therefore, that your application is fully completed and all supporting documentation is attached.**

3. This guidance on completing the form does not cover every question, as most are self-explanatory. Instead, it covers the main issues likely to arise, or the main points to note. These are as follows:

### The application form

- CAPITAL LETTERS should be used wherever indicated and information in boxed areas should be clear and legible. Black ink should be used at all times.
- Additional pages may be attached where required, but you should indicate clearly on the form and on the additional page which question(s) it refers to.
- The application to register an interest in land does not require you to indicate the use to which you wish the registered land to be put, and there is no legislative requirement for you to do so. However, including general details of the proposed use may help to demonstrate how the land will be sustainable and how the community's registration would be in the public interest.
- Failure to complete the application form correctly will result in your application being rejected.

### Maps and drawings

Maps, plans or drawings accompanying your registration form should comply with the Community Right to Buy (Specification of Plans) (Scotland) Regulations 2004.

- Ordnance Survey maps should be used to clearly identify the boundaries of the land to be registered.



- Maps and drawings should be to a standard scale and north must be shown.
- Metric measurements to two decimal places (e.g. 8.23 metres, 2.31 ha), and not imperial (e.g. 1 inch to 8 feet), should be used.
- Maps should contain sufficient surrounding details (fences, houses, etc.) to enable the position of the land to be accurately fixed.
- Drawings may be used to reinforce the accuracy of the location and dimensions of the land to be registered.
- Drawings which simply show a perimeter cannot be taken as accurate and should include diagonal measurements, angles at each change of boundary direction and National Grid co-ordinates supported by tape measure or Global Positioning System (GPS) along each boundary.
- Undefined boundaries should be accurately fixed to existing detail by metric measurements shown on the map/drawing.
- Maps showing the location of the land in relation to the settlement should show the boundaries of the postcode units. These should also be detailed in the description of the land given on the form.
- Any fishing or mineral rights subject to your registration should be clearly marked on your map, showing boundaries, etc. as above.
- Failure to provide clear and accurate maps, plans or drawings will result in your application being rejected.

**Supporting documentation may include:**

- A written list demonstrating all those supporting the registration.
- Proof that the CB is a company limited by guarantee.
- Details of postcode units/polling areas that cover:
  1. The land which is to be registered, and
  2. The area in which the community members are entitled to vote in the ballot.
- Any other supporting documentation that you think would assist with clarification of the content of your application.

## APPEALS PROCEDURE

1. The appeals procedure relating to Part 2 is contained in sections 61 and 62 of the Act. These cover appeals to the sheriff on certain Ministerial decisions and to the Lands Tribunal for Scotland on valuation questions, respectively. This ensures that any decisions made under the legislation are subject to review by an independent appellate body and therefore meet ECHR requirements. An appeal may be made by a CB, by a landowner or by any other interested party.

### Appeals to the sheriff – section 61

2. Appeals may be made, by summary application, to the sheriff in whose sheriffdom the land or any part of it is situated, on the following grounds:

3. A landowner may appeal to a sheriff under section 61(1) against a decision made by Ministers:

- that a community interest in land is to be entered in the Register; or
- to consent to the exercise by a CB of its right to buy land.

4. A CB may appeal to the sheriff against a decision made by Ministers:

- that its community interest is not to be entered in the Register; or
- not to consent to the exercise by the CB of its right to buy.

5. Any other interested party, as defined in section 61(3) as being a member of the defined community or any person who has a legally enforceable right to the land subject to the registered interest, may appeal to the sheriff against a decision made by Ministers:

- that a community interest in land is to be entered in the Register; or
- to consent to the exercise by a CB of the right to buy land.

6. Section 61(4) provides that appeals must be lodged within 28 days of any decision by Ministers. Section 61(6) provides details of who must be informed of an appeal and by whom.

7. Under section 61(7), the sheriff may instruct rectification of the Register and may impose conditions on those appealing. As the sheriff's decision is final, that decision over-rules any previous decision made by Ministers.



**Valuation appeals to the Lands Tribunal for Scotland – section 62**

8. Section 62 provides that the landowner and any CB exercising its right to buy the land subject to a valuation may appeal to the Lands Tribunal against the valuation carried out under section 59 of the Act. Such an appeal must be made within 21 days of the valuer notifying the valuation decision.
9. The Lands Tribunal may reassess the valuation independently and substitute its decision for that of Ministers. Section 62(5) requires the appeal hearing to begin no later than 4 months from the first sitting day after the appeal is lodged and, under section 62(7), the Lands Tribunal has 4 weeks from the conclusion of the appeal hearing in which to intimate its decision.
10. As indicated in the guidance, if a valuer attends an appeal hearing on behalf of Ministers, the Scottish Executive will meet the costs. However, if you invite the valuer to appear as an independent witness, any costs must be met by you.

## AREAS OF MINISTERIAL DISCRETION

1. The discretionary provisions are designed to deal with deviations from the norm on a case-by-case basis.

2. It will be some time after implementation before the effectiveness of the legislation to deliver opportunities for rural communities to register an interest in and buy land will be able to be assessed. But it is clear that not all communities are exactly the same, therefore the legislation needs to be adaptable in certain circumstances.

### 3. Areas of Ministerial discretion in Part 2 of the Act are as follows:

3.1 Section 34(2) allows Ministers to accept a CB with less than 20 members, as required under section 34(1)(c), if they think it is in the public interest to do so. In some cases, where a community is particularly remote, it may not be possible for the CB to achieve 20 members, but this will be on an exceptional basis.

3.2 Ministers may also, under section 34(5) direct that a community may be defined other than by reference to postcode unit(s) and comprising residents entitled to vote in a polling district which includes that (or those) postcode unit(s). It is for a CB to define to Ministers its own community, and there may be good reason why this definition may not apply. But it is for a CB to demonstrate to Ministers the need for a different definition and for Ministers to decide that the reason for doing so is justified.

3.3 Section 35(1) allows Ministers to approve modification to a CB's memorandum or articles of association. This provides a certain amount of flexibility, for example, with the CB's business plans, or other issues which may change over the registration period or following purchase of land under the legislation. Section 35(3) provides for Ministers to compulsorily acquire land from a CB which no longer meets the requirements of the legislation.

3.4 Section 37(11) provides discretion for Ministers to refuse an application under certain circumstances, and section 37(17) allows Ministers to decide whether or not to register an interest in the RCIL.

3.5 Section 38(2)(b) allows Ministers to accept less than 10% community support for registration purposes.



**3.6** Section 39(3) provides the requirements on which Ministers will determine whether or not to allow a late registration of interest.

**3.7** Section 42 provides the power for Ministers to modify certain sections of the Act.

**3.8** Section 44(3) provides Ministers with the power to decide on whether a re-registration of interest should be entered in the RCIL.

**3.9** Section 51(2) requires Ministers to be satisfied that the ballot for demonstrating majority support for proceeding with the right to buy has been demonstrated and, under section 52, that the ballot has been conducted as prescribed. Ministers must also be satisfied that the criteria under sections 51(3) and 53 are met.

**3.10** Where two or more CBs have confirmed that they wish to buy the same piece of land, section 55(2) allows Ministers to decide which one will proceed.

**3.11** Section 63(1) provides the power for Ministers to determine the level of compensation to be paid following such a claim. This is reflected in regulation 5 of the Community Right to Buy (Compensation)(Scotland) Regulations 2004 accompanying the Act.

## USEFUL CONTACTS AND WEB LINKS

The Scottish Executive Environment and Rural Affairs Department, Land Reform Branch, Area 1D, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY

(Tel: 0131 244 6003, Fax: 0131 244 6259)

E-mail: [crtb@scotland.gsi.gov.uk](mailto:crtb@scotland.gsi.gov.uk)

Land Reform website:

<http://www.scotland.gov.uk/about/ERADRA/LURP4/00017063/AplForm.aspx>

The Scottish Executive Environment and Rural Affairs Department, Crofting Branch, Area 1D, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY

(Tel: 0131 244 6213, Fax: 0131 244 6259)

E-mail: [ccrtb@scotland.gsi.gov.uk](mailto:ccrtb@scotland.gsi.gov.uk)

CCRTB website:

<http://www.scotland.gov.uk/about/ERADRA/LURP4/00017063/ccrtb.aspx>

Land Reform (Scotland) Act 2003

<http://www.scotland-legislation.hms0.gov.uk/legislation/scotland/acts2003/20030002.htm>

Land Reform (Scotland) Act 2003 – Explanatory Notes

<http://www.scotland-legislation.hms0.gov.uk/legislation/scotland/en2003/2003eno2.htm>

SE Land Reform website

<http://www.scotland.gov.uk/about/ERAD/LURP4/00015618/LRPG.aspx>

Community Right to Buy website

<http://www.scotland.gov.uk/about/ERADRA/LURP4/00017063/Introduction.aspx>

Register of Community Interest in Land (RCIL)

<http://rcil.ros.gov.uk/RCIL/default.asp?category=rcil&service=home>

Scottish Executive Library, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD

(Tel: 0131 244 4550, Fax: 0131 244 4545)



General Register Office for Scotland (GROS), Ladywell House, Ladywell Road,  
Edinburgh EH12 7TF

(Customer Services Tel: 0131 314 4243, Fax: 0131 314 4344)

E-mail: [customer@gro-scotland.gov.uk](mailto:customer@gro-scotland.gov.uk)

GROS website: [www.gro-scotland.gov.uk](http://www.gro-scotland.gov.uk)

Registers of Scotland, Erskine House, 68 Queen Street, Edinburgh EH2 4NF

(Tel: 0845 6070161, Fax: 0131 200 3932)

E-mail: [customer.service@ros.gov.uk](mailto:customer.service@ros.gov.uk)

RoS website:

<http://rcil.ros.gov.uk/RCIL/default.asp?category=rcil&service=home>

Companies House

<http://www.companieshouse.gov.uk/>

### **Agricultural Area Offices holding maps**

(as detailed in the Definition of Excluded Land Order)

<b>Area Office</b>	<b>Address</b>	<b>Tel. No.</b>
Ayr	Russell House, King Street, Ayr KA8 0BE	01292 610188
Dumfries	Government Buildings, 161 Brooms Road, Dumfries DG1 3ES	01387 255292
Elgin	32 Reidhaven Street, Elgin IV30 1VE	01343 547514
Galashiels	Cotgreen Road, Tweedbank, Galashiels TD1 3SG	01896 758333
Hamilton	Cadzow Court, 3 Wellhall Road, Hamilton ML3 9BG	01698 281166
Inverness	28 Longman Road, Inverness IV1 1SF	01463 234141
Perth	Broxden Business Park, Lamberkine Drive, Perth PH1 1RZ	01738 602000
Thainstone	Thainstone Court, Inverurie AB51 5YA	01467 626222

### **Funding agents**

The Scottish Land Fund, Taigh Feàrna, Auchtertyre, Balmacara, Kyle IV40 8EG

(Tel: 01520 722988, Fax: 01599 566724)

E-mail: [hie.general@hient.co.uk](mailto:hie.general@hient.co.uk) or website [www.hie.co.uk/scottishlandfund](http://www.hie.co.uk/scottishlandfund)

New Opportunities Fund website: [www.nof.org.uk](http://www.nof.org.uk)

Highlands and Islands Enterprise Community Land Unit, Cowan House, Inverness  
Retail and Business Park, Inverness IV2 7GF  
(Tel: 01463 244253, Fax: 01463 244217)  
E-mail: [hie.general@hient.co.uk](mailto:hie.general@hient.co.uk) or website [www.hie.co.uk](http://www.hie.co.uk)

Highlands & Islands Enterprise – Community Land Unit (guidance)  
<http://www.hie.co.uk/communityland.htm>

Scottish Enterprise, 150 Broomielaw, Glasgow G2 8LU  
(Tel: 0845 607 8787 (from within Scotland) or 0141 228 2000 (elsewhere in the UK)  
Fax: 0141 221 3217)  
E-mail: [network.helpline@scotent.co.uk](mailto:network.helpline@scotent.co.uk)

Scottish Enterprise – Service to the Community  
[http://www.scottish-enterprise.com/sedotcom\\_home/services-to-the-community.htm?siblingtoggle=1](http://www.scottish-enterprise.com/sedotcom_home/services-to-the-community.htm?siblingtoggle=1)

Scottish Rural Partnership Fund, Area 1D, Pentland House, 47 Robb's Loan, r  
Edinburgh EH14 1TY  
(Tel: 0131 244 4479, Fax: 0131 244 3101)  
E-mail: [srpf@scotland.gsi.gov.uk](mailto:srpf@scotland.gsi.gov.uk)  
Website:  
[www.scotland.gov.uk/about/ERADRA/LURP2/00016780/RuralFunding.aspx](http://www.scotland.gov.uk/about/ERADRA/LURP2/00016780/RuralFunding.aspx)



