
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 137

LAND REFORM

The Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Compensation) (Scotland) Order 2018

<i>Made</i>	- - - -	<i>1st May 2018</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>2nd May 2018</i>
<i>Coming into force</i>	- -	<i>27th June 2018</i>

The Scottish Ministers make the following Order in exercise of the powers conferred on them by section 97T(4) of the Land Reform (Scotland) Act 2003⁽¹⁾, and of all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Compensation) (Scotland) Order 2018 and comes into force on 27th June 2018.

(2) In this Order—

“the Act” means the Land Reform (Scotland) Act 2003;

“Part 3A community body” means a Part 3A community body, as defined in section 97D(1) of the Act (Part 3A community bodies); and

“registered office” includes the principal office of a Scottish charitable incorporated organisation.

Procedure for claiming compensation

2.—(1) A claim for compensation under section 97T(1)(a), (b) or (c) of the Act (compensation) must be submitted to the Part 3A community body which is liable to pay the compensation at the registered office of that body.

(2) A claim for compensation under section 97T(3) of the Act must be submitted to Ministers.

(3) A claim for compensation under section 97T(1)(a), (b) or (c) of the Act must be submitted within the period of 90 days beginning—

(1) 2003 asp 2. Section 97T was inserted by section 74 of the Community Empowerment (Scotland) Act 2015 (asp 6). Section 98(1) of the Act contains the definition of “Ministers” relevant to the exercise of the statutory powers under which this Order is made.

- (a) on the final settlement date as defined in section 97R(2) of the Act (completion of transfer), or such later date as consideration is paid in terms of section 97R(3) or (4) of the Act;
 - (b) on the date that the notice in writing to Ministers that the Part 3A community body has withdrawn its application or withdrawn the confirmation of its intention to proceed with the purchase or under section 97P(2) of the Act (confirmation of intention to proceed with purchase and withdrawal) is received; or
 - (c) the date on which the Part 3A community body's application is treated as withdrawn under section 97R(5) of the Act.
- (4) A claim for compensation under section 97T(3) of the Act must be submitted within the period of 90 days beginning with the date of notification under section 97M(1)(b) or (c) of the Act (notification of Ministers' decision on application) of the refusal by Ministers to grant the Part 3A community body's application made under section 97G of the Act.
- (5) A claim for compensation mentioned in article 2(1) or (2) must—
- (a) specify under which paragraph of section 97T(1) of the Act the loss or expense falls; and
 - (b) be fully vouched.
- (6) For the purposes of section 97T(5) of the Act, the period of time is 60 days beginning with the date of submission of the claim for compensation.

St Andrew's House, Edinburgh
1st May 2018

ROSEANNA CUNNINGHAM
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides the procedure under which claims for compensation under Part 3A of the Land Reform (Scotland) Act 2003 (“the Act”) may be made.

Article 2(1) provides that a claim for compensation under section 97T(1)(a), (b) or (c) of the Act must be submitted at the registered office of the community body, where the community body is liable to pay any compensation due under the Act.

Article 2(2) provides that a claim for compensation under section 97T(3) of the Act must be submitted to Scottish Ministers where they are liable to pay any compensation under the Act.

Article 2(3) provides the timescales within which a claim for compensation must be submitted to a community body.

Article 2(4) provides the timescale within which a claim for compensation must be submitted to Scottish Ministers.

Article 2(5) provides that a claim for compensation as mentioned in article 2(1) or (2) must specify which paragraph of section 97T(1) of the Act the loss or expense falls and that a claim must be fully vouched.

Article 2(6) provides that the period of time after which any question as to whether any compensation is payable or as to the amount of any compensation may be referred to the Lands Tribunal under section 97T(5) of the Act is 60 days beginning with the date of submission of the claim for compensation.