

Community Right to Buy

- First of all, a community group should be formally set up as either a Company Limited by Guarantee, a Scottish Charitable Incorporated Organisation (SCIO), or a Community Benefit Company (BenCom).
- The members must have at least 10 members and $\frac{3}{4}$ must come from the community itself.
- The relevant Articles of Association, registered rules etc. , must also be compliant with the Land Reform Act. The Community Land Team are always happy to advise on these.
- Once approved, the group will receive a “compliance letter”. It is only once this is received , that the group can use the Community Rights to Buy.

Community Right to Buy

- The main right to buy is what we call Part 2 – The Community Right to Buy
- It is actually a right of pre-emption. That is, it gives the community the first call on the land if and when the owner takes steps to transfer it.
- Again, the Community Land Team will work with a community group to refine their application to the point that it is compliant and submitted formally.
- They must demonstrate why their registration is in the public interest, what their plans for the land are, and show that they have community support (usually by means of a petition list).
- If approved, the group's interest is registered with Register of Scotland, and the owner cannot transfer the land without triggering the next phase.
- It does not stop the owner from developing or otherwise using the land

Community Right to Buy

- Once the right to buy is triggered, then the next phase begins.
- The group will have to confirm that they wish to proceed. They will have to refine their plans further, including potential funding sources.
- A formal ballot of the *whole* community is undertaken (organised and paid for by the SG), which must ensure a turnout out of 50% and of those that turn out, 50% should be in favour.
- If Scottish Ministers approve the purchase, the group have 8 months to arrange for the sale to complete

Community Right to Buy

Some of the new right to buy are have not commenced yet, but should be available from Spring 2017. These include;

Right to Buy Abandoned, Neglected or Detrimental Land.

- This give communities the right to buy land from owners, which they consider to be abandoned, neglected or causing harm to the environment wellbeing of the community.
- The group must have already tried to buy the land.
- If they consider it is causing harm, they must have contacted the relevant authority to fix the harm.
- It does not require the owner's consent. In other words, it is a compulsory sale.

Community Right to Buy

Right to Buy Land to Further Sustainable Development

Similar to the previous one, but the land does not have to be abandoned, neglected, or causing harm.

- The community body can nominate a third party to exercise the right to buy (e.g. a housing association).
- The application must state what benefit the transfer to the community would bring, why it is the only, or most practical solution, and the not doing so would cause harm to the community.
- Again, it is a compulsory right to buy.

The first of these is out for consultation at the moment (which closes on 20 June). The SG is still developing the timetable for the second.