

# Community Rights to Buy

Dave Thomson

Head of Community Land Team



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# Community Rights to Buy

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Head of Community Land Team

- Policy and Operational Lead on CRtB
- Scottish Government's target of 1m acres of land in community ownership by 2020
- Scottish Land Fund



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# Part 3A – Community Right to Buy Abandoned, Neglected or Detrimental Land

- The rights will be open to the same types of community groups as the present rights (CLBG, SCIO, Bencoms)



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- It is a compulsory purchase right !
- The group must have already tried to buy the land.
- The same (or similar group) must not have been offered the land in the previous 12 months



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- The rights will be open to the same types of community groups as the present rights (CLBG, SCIO, Bencoms)
- It is a compulsory purchase right !
- The group must have already tried to buy the land.
- The same (or similar group) must not have been offered the land in the previous 12 months
- If a group relies on the “detrimental” element, then they must have contacted the relevant regulator to fix the issue.



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# Part 3A – Community Right to Buy Abandoned, Neglected or Detrimental Land

There are some additional things that a group must demonstrate with their application;



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# Part 3A – Community Right to Buy Abandoned, Neglected or Detrimental Land

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- They must say why their plans will be in the public interest and that it is compatible with furthering sustainable development



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- They must say why their plans will be in the public interest and that it is compatible with furthering sustainable development
- That they have the support of the community for their plans. This is to be demonstrated by means of a ballot of the whole community



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- If they use the detrimental element, that their plans will remove (or at least substantially remove) that harm



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When Scottish Ministers receive the application, a prohibition is placed on the owner which prevents them from taking any steps to transfer the land. The prohibition remains until the group purchase the land, withdraw, or Ministers make a decision to reject the application.



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When a group applies, a copy is sent to the owner who is given a chance to respond, to say;



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# Part 3A – Community Right to Buy Abandoned, Neglected or Detrimental Land

When a group applies, a copy is sent to the owner who is given a chance to respond, to say;

- Why they think that the group's plans are not in the public interest and/or why they think that they are not compatible with furthering sustainable development



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- Why they think that the group's plans are not in the public interest and/or why they think that they are not compatible with furthering sustainable development
- Why continuing being the owner *would* be compatible with furthering sustainable development



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- Why they think that the group's plans are not in the public interest and/or why they think that they are not compatible with furthering sustainable development
- Why continuing being the owner *would* be compatible with furthering sustainable development
- Why they do not consider the land to be abandoned , neglected or detrimental



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- Why they think that the group's plans are not in the public interest and/or why they think that they are not compatible with furthering sustainable development
- Why continuing being the owner *would* be compatible with furthering sustainable development
- Why they do not consider the land to be abandoned , neglected or detrimental
- What their plans are for the land



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- Why continuing being the owner *would* be compatible with furthering sustainable development
- Why they do not consider the land to be abandoned , neglected or detrimental
- What their plans are for the land
- Anything else they consider relevant to the application



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- What their plans are for the land
- Anything else they consider relevant to the application

The community group does get the opportunity to respond to these points.



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# Part 3A – Community Right to Buy Abandoned, Neglected or Detrimental Land

## Exclusions



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# Part 3A – Community Right to Buy Abandoned, Neglected or Detrimental Land

## Exclusions

- Land on which there is a building or other structure which is an individual's home other than a building or other structure which is occupied by an individual under a tenancy.



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- Land on which there is a building or other structure which is an individual's home other than a building or other structure which is occupied by an individual under a tenancy.
- such land pertaining to land of the type mentioned above



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- eligible croft land



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- eligible croft land
- any croft occupied or worked by its owner or a member of its owner's family



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- such land pertaining to land of the type mentioned above
- eligible croft land
- any croft occupied or worked by its owner or a member of its owner's family
- land which is owned or occupied by the Crown by virtue of its having vested as bona vacantia in the Crown, or its having fallen to the Crown as ultimus haeres



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# Part 3A – Community Right to Buy Abandoned, Neglected or Detrimental Land

## Secondary Legislation

The secondary legislation provides for some more detail on some elements of the primary legislation. It covers the following elements;



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The secondary legislation provides for some more detail on some elements of the primary legislation. It covers the following elements;

- Ballot reimbursement
- Matters relating to the physical condition of the land



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- Matters relating to any designation or classification of the land
- Matters relation to the use or management of the land



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- Ballot reimbursement
- Matters relating to the physical condition of the land
- Matters relating to any designation or classification of the land
- Matters relation to the use or management of the land
- What is harm?



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- Matters relation to the use or management of the land
- What is harm?
  - Who are the relevant regulators in relation to that harm



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- What is harm?
  - Who are the relevant regulators in relation to that harm
- What is a tenancy for the purposes of this right to buy



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  - Who are the relevant regulators in relation to that harm
- What is a tenancy for the purposes of this right to buy
- What land is ineligible



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- Matters relation to the use or management of the land
- What is harm?
  - Who are the relevant regulators in relation to that harm
- What is a tenancy for the purposes of this right to buy
- What land is ineligible
- What is the restriction period



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- Matters relating to any designation or classification of the land
- Matters relation to the use or management of the land
- What is harm?
  - Who are the relevant regulators in relation to that harm
- What is a tenancy for the purposes of this right to buy
- What land is ineligible
- What is the restriction period
  - What is or isn't restricted during this period



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