

## Community Right to Buy Review (2026) Summary

The Community Right to Buy review sets out a series of proposals to improve how communities can take ownership of land and buildings. We welcomed the opportunity to contribute to this review and made a number of recommendations based on the experiences of community bodies across Scotland. This document outlines what the review proposes, how these proposals will affect communities, and how closely they match the changes we called for. It highlights where progress has been made and where further improvements are still needed.

### *The Four Community Rights to Buy*

#### **Part 2 – Registering an Interest**

This lets a community register an interest in land or buildings. If the owner decides to sell, the community gets the first chance to buy for 8 months. It does not force a sale.

#### **Part 3 – Crofting Community Right to Buy**

Used by crofting communities to buy croft land even when the owner does not want to sell. The community must show that this would benefit the area and support long-term development.

#### **Part 3A – Abandoned, Neglected or Detrimental Land**

Used when land is in very poor condition, abandoned, or causing harm. The community can apply to take ownership even if the owner refuses to sell.

#### **Part 5 – To Further Sustainable Development**

Allows communities to buy land where they can demonstrate they could use it in a way that delivers more long-term benefit (through sustainable development) than the current owner.

### *Key Changes Being Proposed*

#### **1. Bringing Some Rights Together**

The Government plans to bring Part 3A and Part 5 together into one single compulsory right. Instead of having to choose between two similar processes, communities would follow one route, whether the land is run-down or simply not being used in a way that benefits the community. Part 2 and the Part 3 crofting right will remain separate because they operate differently and serve different purposes.

What this means for communities:

- A simpler choice between compulsory options
- One route for land that is in poor condition or underused
- Crofting communities continue to use their own dedicated process

We agree with the idea of simplifying the rights, but we had asked for stronger reassurance that the new combined right would not dilute existing powers. Changes to Part 3 appear to have been avoided and we have concerns about the inclusion of condition alongside the use of the land. Similarly, there need to be clear changes to make sure that the issues with Part 3A around existing condition simply being minorly changed do not blunt the policy intent of meaningfully reforming detrimental land use and encouraging community ownership. The review maintains current powers, which is positive, but it does not offer the clearer, firmer guarantees we hoped for.

## 2. Community Body Requirements

At the moment, 75% of voting members of a community body must live within the community area. The review proposes reducing this to just over half. This change is meant to reflect the reality that many community groups include people who are active and involved but may live just outside the boundary. Other rules, such as how AGMs are run, will stay the same.

What this means for communities:

- Easier for groups to meet the membership requirement
- More flexibility for communities with supporters who live nearby
- No change to how groups must organise themselves

We asked for simpler and more practical community body rules overall. While the change to the membership threshold is welcome, the review does not go much further in reducing the wider administrative burdens that many groups still face. We also asked for the rules for community bodies to be better aligned with other community ownership routes, such as Community Asset Transfer. This would avoid communities having to create different legal structures for different processes. The review does not address this.

## 3. Showing Community Support

The review suggests removing the rule that a ballot needs a minimum turnout to count. This means that even if not many people vote, the result will still be valid. Petition rules will not change.

What this means for communities:

- Ballots become easier to pass
- Petitions continue as an alternative option

We support the removal of turnout requirements. However, we had asked for more flexibility in how community support can be shown, especially for communities with less engagement or more complex boundaries. This wider flexibility was not fully taken forward.

## 4. Late Applications

Late applications will be made more achievable. Communities will no longer need to produce a full business plan when they first apply late, which can be difficult in a short time. Instead, clearer guidance will explain what early actions count as showing commitment, such as early contact with funders or the landowner. Owners can still withdraw land from sale, and communities must still be compliant bodies.

What this means for communities:

- Less pressure to produce detailed documents quickly
- Clearer guidance on what early steps are needed
- Late applications remain possible with more realistic expectations

We agree with the direction of this change, as it makes late applications more realistic. However, we had asked for stronger protection against landowners withdrawing land from sale during the process, and this has not been addressed. We would welcome this being addressed ahead of any legislative change.

## 5. Third-Party Purchasers

Communities will still be allowed to nominate another organisation to buy the land on their behalf. The review proposes adding clearer safeguards so everyone understands how these partnerships should work.

What this means for communities:

- Partnerships with outside organisations remain an option
- Greater clarity and reassurance about how partnerships should operate

We support the improved clarity. We had also asked for more explicit support for communities working with specialist partners, but the review focuses mainly on safeguards rather than practical support.

## 6. Option Agreements

Option agreements between landowners and developers will be made more transparent. Importantly, a community's application will be allowed to continue even if an option agreement already exists, which previously could block an application.

What this means for communities:

- More transparency around private agreements
- A better chance of moving forward with an application

We welcome this change. Our main ask was to stop option agreements from blocking community opportunities, and this is now largely addressed. However, we hoped for a register of options agreements and earlier notification to communities when option agreements are put in place, and this has not been included.

## 7. Appeals

The time allowed to appeal a decision will stay at 28 days. Although some respondents asked for more time, the Government has kept the current period so it matches other land reform rules.

What this means for communities:

- Appeals still need to be submitted quickly
- Communities may benefit from preparing in advance

We had asked for a longer appeal period (56 days) or additional support for communities preparing appeals. Neither of these were taken forward.

## 8. Registration Period (Part 2)

The length of time a Part 2 registration lasts will be extended beyond the current five years. The exact new length has not yet been confirmed, but the aim is to reduce how often groups need to renew.

What this means for communities:

- Less frequent renewals
- More long-term certainty once registered

We requested a longer registration period to align with long-term community planning, at least 10 years. The review supports this, and we look forward to seeing the new timeline in the upcoming legislation.

### *Practical Improvements That Will Be Taken Forward*

Some improvements do not require new laws and will be introduced sooner. These include clearer guidance on how decisions are made, a public list of compliant community bodies, simpler ballots and petitions that last up to 12 months, shorter and easier application forms, and more consistent rules across the compulsory rights. Communities will also be able to describe their area in writing rather than needing a map, and early talks with landowners will count as an acceptable early step for late applications.

What this means for communities:

- Easier to understand guidance
- More transparency about which groups are compliant
- Less paperwork and simpler forms
- Clearer and more consistent expectations

We strongly support clearer guidance and simpler processes, and many of our asks have been reflected.