

Scottish Statutory Instrument 2004 No. 229

The Community Right to Buy (Compensation) (Scotland) Regulations 2004

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SCOTTISH STATUTORY INSTRUMENTS

2004 No. 229

LAND REFORM

The Community Right to Buy (Compensation) (Scotland) Regulations
2004

Made

18th May 2004

*Laid before the Scottish
Parliament*

21st May 2004

The Scottish Ministers in exercise of the powers conferred by section 63(5) of the Land Reform (Scotland) Act 2003[1], and of all other powers enabling them in that behalf, hereby make the following Regulations-

Citation, commencement and interpretation

1. - (1) These Regulations may be cited as the Community Right to Buy (Compensation) (Scotland) Regulations 2004 and shall come into force on 15th June 2004.

(2) In these Regulations-

"the Act" means the Land Reform (Scotland) Act 2003;

"Ministers" means the Scottish Ministers.

2. A claim for compensation made under section 63(1) of the Act shall be submitted to the Ministers within the time limit specified in regulation 3.

3. - (1) A claim made under paragraph (a) of section 63(1) of the Act shall be made within 90 days of the last act or event which occurred as a result of compliance with the procedural requirements of Part 2 of the Act and which gave rise to part or all of the claim.

(2) A claim made under paragraph (b) of section 63(1) of the Act shall be made within 90 days of-

(a) the date on which the community body gave notice under section 54 of the Act in compliance with an order of the Lands Tribunal under section 57 that it no longer wished to exercise its right to buy the land; or

(b) the date on which the Lands Tribunal made an order extinguishing the right to buy the land under section 57(2),

whichever is the later date.

(3) A claim made under paragraph (c) of section 63(1) of the Act shall be made within 90 days of the date on which Ministers determine whether a community interest in land is to be registered in accordance with section 37.

(4) A claim made under paragraph (d) of section 63(1) of the Act shall be made within 90 days of the date of payment of the price in terms of section 56(3)(a) or (b).

(5) In the event of a claim for loss or expense being made under more than one of the preceding paragraphs, the period of 90 days shall run from the latest date specified in a paragraph which is relevant to the claim.

4. A claim for compensation shall include a statement detailing under which paragraph or paragraphs of section 63(1) of the Act the loss or expense falls, and losses or expenses shall be fully vouched.

5. The person making a claim under section 63(1) of the Act shall be informed of the amount of compensation payable, as determined by Ministers,

within 40 days of the submission of a claim.

ALLAN WILSON

Authorised to sign by the Scottish Ministers

St Andrew's House, Edinburgh

18th May 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the procedure by and manner in which compensation for loss or expense may be claimed by any person (other than a community body) from the Scottish Ministers under section 63 of the Land Reform (Scotland) Act 2003 ("the Act"). Such compensation is payable where loss or expense has been incurred (a) in complying with the procedure or requirements of Part 2 of the Act, (b) as a result of failure by a community body to comply with an order of the Lands Tribunal under section 57 of the Act, (c) in complying with a prohibition imposed under section 37(6)(c) of the Act or (d) as a result of the operation of paragraph (a) or (b) of section 56(3) of the Act.

Regulation 2 provides that a claim for compensation must be made within the time limits set out in Regulation 3. Regulation 3 sets out varying time limits depending on which paragraph of section 63(1) of the Act the claim is made under. If the claim is made under more than one paragraph, Regulation 3(5) provides that the 90 day period runs from the latest date specified in a paragraph which is relevant to the claim. Regulation 4 requires that the claim includes a statement detailing under which paragraph or paragraphs of section 63(1) of the Act the loss or expense falls, and that losses and expenses require to be fully vouched. Regulation 5 provides that Scottish Ministers shall determine the amount of compensation payable within a period of 40 days of submission of the claim, and their decision may be appealed to the Lands Tribunal under section 64 of the Act.

Notes:

[1] 2003 asp 2. Section 98(1) contains definitions of "Ministers" and "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made.[back](#)

ISBN 0 11 069126 1

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Prepared 3 June 2004