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ANNEX C

Land Reform (Scotland) Act 2016: Part 5 Right to Buy Land to Further Sustainable Development

CONSULTATION NOTE: Please note that this form is drafted on the basis that it is a form to allow a community to seek to buy eligible land as defined by section 46 of the Land Reform (Scotland) Act 2016 (“the Act”). The Act also allows Part 5 community bodies to seek to acquire salmon fishings and mineral rights (s.47), and the interests of tenants (s.48), provided they are related to the land the community is seeking to acquire through Part 5. Separate application forms will have to be filled out for an application to buy each of these things. As the application form for each of these will be similar to the form to apply to buy land, separate forms have not been drafted for the purposes of this consultation, but will be available for communities to use once Part 5 comes into force. The Scottish Government is still considering whether to have one sort of form that may be used for land ownership rights, tenant’s rights, mineral and fishings rights, or whether to have a separate form for each of these type of things.

Notes:

1. This form is to be used by a Part 5 community body applying for consent to exercise the right to buy land under Part 5 of the Act.
2. Only a Part 5 community body within the meaning of section 49 of the Act is entitled to make this application. Note that under subsection 49(7) of the Act, a body can only be regarded as a Part 5 community body once Scottish Ministers have given it written confirmation that they, the Scottish Ministers, are satisfied that the body’s main purpose is consistent with furthering the achievement of sustainable development.
3. Before making this application, a Part 5 community body must have conducted a ballot in accordance with section 57 of the Act. The ballot must have been conducted during the period of 6 months which immediately preceded the date on which this application is made.
4. You may download this form and complete it manually or electronically.
5. If you complete the form manually, please do so using black or blue ink and capital letters.
6. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please -
 - indicate on the form where any answer is given or continued on a separate sheet,
 - indicate on each separate sheet the question number(s) to which it relates.
7. You may submit the completed form and attached documents -
 - electronically to XXXX@gov.scot, or
 - by post to XXXX.

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SECTION 1 — WHO IS APPLYING

1.1 Please provide the name of the Part 5 community body (“CB”) applying for consent to exercise a right to buy land for sustainable development.

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SECTION 2 — DETAILS OF WHO IS APPLYING

2.1 Please supply the registered or principal office of the CB.

Postal Address: Town: County: Country: Postcode:	
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2.2 Please supply the address the CB wishes correspondence in relation to the community right to buy process to be issued to.

Contact Name: Postal Address: Town: County: Country: Postcode: Telephone: Email:	
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2.3 Please mark an “X” in the relevant box to confirm the type of applicant body and enter its official number.

Third Party purchaser nominated by a community body having a written constitution. If this box is ticked, please confirm the name and address of the third party, as well as its status (e.g. charity, public body, private firm), and its relationship to the community body.

- Company Limited by Guarantee (CLBG)
and its company number is:
- Scottish Charitable Incorporated Organisation (SCIO)
and its charity number is:
- Community Benefit Society (BenCom)
and its registration number is:

This application must be accompanied by a copy of the Part 5 community body’s governing documents (i.e. memorandum and articles of association, constitution or registered rules) and evidence of its status, charity or registration number (e.g. its official number). Please mark an “X” confirming that such a copy and evidence accompanies this application.

2.4 Please provide the definition of the community as set out in the community body’s governing document.

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2.5 This application must be accompanied by one or more maps or drawings, which describe(s) the area of the community to which the CB relates. **(Advice on these will be provided in separate guidance)**

Please confirm the total number of such maps, plans or other drawings relating to the community area which accompany this application.

2.6 Please provide:

(A) The total number of members in the community body.

(B) A breakdown of the total number of each type(s) of membership as stated in the CB's governing document (i.e. memorandum, articles of association, constitution or registered rules).

(C) The membership details (i.e. name, address and membership type of each of the CB's members).

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SECTION 3 — THE LAND IN RESPECT OF WHICH THE RIGHT TO BUY IS SOUGHT TO BE EXERCISED

3.1 Please mark an “X” in the relevant box(es) to indicate the type(s) of land to which this application relates.

Buildings	<input type="checkbox"/>	Recreational Land	<input type="checkbox"/>	If other type of land, please state below <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
Woodland	<input type="checkbox"/>	Brown field site	<input type="checkbox"/>	
Water	<input type="checkbox"/>	Farm/grazing land	<input type="checkbox"/>	
Industrial Site	<input type="checkbox"/>			

3.2 What is the estimated total area of the land?

3.3 What county is the land located in?

3.4 Please provide a written description of the land to which this application relates (e.g. the location of such land; postcodes covering the land; the condition of the land; its northern, southern, eastern and western boundaries and measurements, if applicable).

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3.5 This application must be accompanied by one or more maps or drawings, which:

(a) is/are prepared to the specifications referred to in regulation (b) describe(s) the land to which this application relates. **(Advice on these will be provided in separate guidance)**

Please confirm the total number of such maps, plans or other drawings which accompany this application.

3.6 Please mark an “X” in one box which you consider best describes the community’s connection to the land in relation to which this application is made.

- A significant number of the members of the community have a connection with the land.
- The land is sufficiently near to land with which those members of the community have a connection.
- The land is in or sufficiently near to the area of the community (the community being the community as defined in response to question 2.4).

Please provide details to explain why the relevant box has been marked with an “X” above.

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SECTION 4 — ELIGIBILITY OF LAND

4.1 Do you believe the land is eligible in terms of section 46 of the Land Reform (Scotland) Act 2016 (**Advice on these sections will be provided in separate guidance**)

YES NO

Please provide the basis on which you believe the land is considered to be eligible land under Part 5 of the Land Reform (Scotland) Act 2016.

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SECTION 5 — OWNERSHIP & INTERESTS

5.1 Please provide the contact details of the owner of the land to which this application relates.

<p>Contact Name:</p> <p>Postal Address:</p> <p>Town:</p> <p>County:</p> <p>Country:</p> <p>Postcode:</p> <p>Company No. (If applicable):</p> <p>E-mail:</p>	
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5.2 If the owner has an agent or representative, please provide their contact details.

<p>Contact Name:</p> <p>Postal Address:</p> <p>Town:</p> <p>County:</p> <p>Country:</p> <p>Postcode:</p> <p>Company No. (If applicable):</p> <p>E-mail:</p>	
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5.3 If there is more than one owner (e.g. the land is in joint or common ownership between a number of owners), then please provide the contact details for the other owner(s), using a separate sheet if necessary.

5.4 Please confirm the checks carried out (including by whom and when) to establish who owns the land to which this application relates and whether there are any creditors in a standard security with a right to sell the land.

5.5 Please indicate, by ticking “Yes” or “No”, whether you are aware of the existence of either of the matters listed. You may disregard any obligation that would be suspended, once the application is made, by regulation X (*To be made following this consultation*).

An enforceable personal obligation on the owner of the land to sell it to someone else:

YES NO

Anything else preventing the owner of the land from selling it:

YES NO

If you ticked “Yes” for either matter listed at 4.5, please provide details for each matter, using a separate sheet if necessary. You should attach evidence to support any matters you raise where possible.

5.6 Please indicate by ticking “Yes” or “No” whether there are any tenancies in relation to the land or any part of it.

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YES NO

If you ticked “Yes” at 5.6, please provide details for each tenancy, using a separate sheet if necessary, but based on the following details.

<p>Name of Tenant(s):</p> <p>Contact Name (if different):</p> <p>Postal Address:</p> <p>Town:</p> <p>County:</p> <p>Country:</p> <p>Postcode:</p> <p>E-mail:</p> <p>Term:</p> <p>Nature of Tenancy:</p>	
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5.7 Please indicate, by ticking “Yes” or “No”, whether there are any standard securities in relation to the land or any part of it.

YES NO

If you ticked “Yes” at 5.7, please provide details for each standard security in relation to the land, using a separate sheet if necessary but based on the following details.

<p>Name of Creditor holding security:</p> <p>Contact Name (if different):</p> <p>Postal Address:</p> <p>Town:</p> <p>County:</p> <p>Country:</p> <p>Postcode:</p> <p>E-mail:</p> <p>Details of standard security:</p>	
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5.8 Please indicate, by ticking “Yes” or “No” for each of the planning rights or interests known to the CB, whether that right or interest applies to the land or to any part of it.

Planning permission applied for (by any person) but not yet granted	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Planning permission granted but not yet fully utilised	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Suitable for development under the local development plan	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Subject to a compulsory purchase order	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Any other restriction on the use of the land	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>

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5.9 If you ticked “Yes” for any of the rights or interests listed at 5.8 please give details.

5.10 Please indicate, by ticking “Yes” or “No”, whether you know of any other existing rights or interests in the land or any part of it.

YES NO

5.11 If you ticked “Yes” at 5.10, please provide details of the holder of each right or interest, using a separate sheet if necessary.

<p>Name of Person Holding Interest:</p> <p>Contact Name (if different):</p> <p>Postal Address:</p> <p>Town:</p> <p>County:</p> <p>Country:</p> <p>Postcode:</p> <p>E-mail:</p> <p>Nature of Right or Interest:</p>	
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5.12 Where possible, please attach at least one map or drawing that shows the location of the rights and interests identified under this section (5.1 – 5.11) in relation to the land. **(Advice on these will be provided in separate guidance).**

Please confirm the total number of such maps, plans or other drawings which accompany this application.

If you are aware of rights and interests but are not able to show them via drawings or maps, please explain why this is.

SECTION 6 — LEVEL OF COMMUNITY SUPPORT

6.1 Please indicate, by ticking the appropriate box how the ballot result is being / has been notified to Scottish Ministers. **You must select one option.**

Ballot results attached to application

Ballot results already notified to Ministers

Please note that the ballot result must be/have been notified to Ministers in the form specified in the X Regulations (Yet to be made)

If you indicated at 6.1 that the ballot result has already been notified to Scottish Ministers, please give the date of notification.

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SECTION 7 — STEPS TAKEN TO BUY LAND

7.1

Please include the date when the CB sent the request for the transfer of the Land to the owner. Please include copies of the form sent to the owner of the land seeking to buy the land and any correspondence in relation to this.

Offer Date:

Terms (including amount offered and conditions:

Land owner response to offer:

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SECTION 8 — PROPOSALS FOR THE LAND

This section of the application form is to allow Scottish Ministers to understand, in general, the community's plans for using the land that they are seeking to acquire.

8.1 Please explain in general how the CB proposes to use, develop and manage the land to which this application relates.



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SECTION 9 — SUSTAINABLE DEVELOPMENT IN RELATION TO THE LAND

9.1 Please explain why the community body's purchase of the land, and the plans it has for the land, are likely to further the achievement of sustainable development in relation to the land.

In completing this section, the CB may wish to highlight how it believes its plans will lead to improvements in one or more of the following areas for the local community:

- economic outcomes
- social outcomes (including cultural)
- environmental outcomes

Alternatively, the CB may wish to explain its plans by using the categories in s.56(12) of the 2016 Act:

- (a) economic development
- (b) regeneration
- (c) public health
- (d) social wellbeing
- (e) environmental wellbeing



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SECTION 10 — PUBLIC INTEREST

10.1 Please explain why you believe that the exercise by the CB of the right to buy under Part 5 is in the public interest.

Empty response box for section 10.1.

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SECTION 11 — SIGNIFICANT BENEFIT

This section asks about the significant benefits that are likely to accrue, in particular, to the relevant community to which the Part 5 CB relates. If these benefits have already been outlined in a previous section, they may be duplicated here. It is also acceptable to say, “as outlined in section (put number), the particular significant benefits to the community will be (list benefits)”, provided that they have been fully explained in that previous section.

11.1 Please explain how the transfer of land to the Part 5 CB is likely to result in significant benefit to members of the community to which the Part 5 CB relates.

It is a requirement of the 2016 Act that a Part 5 transfer of land is the only practicable, or the most practicable way, of achieving that significant benefit. Unless this is the case, Scottish Ministers are unable to approve the transfer.

11.2 Is the transfer of the land the only practicable, or the most practicable way, of achieving that significant benefit?

YES NO

11.3 Please explain why the transfer of land the only practicable, or the most practicable way, of achieving that significant benefit to members of the community to which the Part 5 community body relates?

The word practicable means that the plan is both practical (i.e. realistic) and that there is the ability to achieve the plan.

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SECTION 12 — PREVENTING HARM

It is a requirement of the 2016 Act that Scottish Ministers cannot grant a Part 5 transfer of land unless they are satisfied that not granting consent for the transfer is likely to result in harm to the community. The potential harm that is demonstrated must be real harm. That is, it is harm that is already occurring or that is very likely to occur if the proposed land transfer does not take place, and must be harm that will impact on the lives of real, individual persons within the community in question.

12.1 Please say why the failure of Scottish Ministers to approve the Part 5 transfer would be likely to result in harm to the lives of people within the community to which the Part 5 community body relates.

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SECTION 13 — OTHER RELEVANT INFORMATION

13.1 Please use the space below to tell us about any further information that you believe is relevant in support of your application.

A large, empty rectangular box with a thin black border, intended for the user to provide additional information relevant to their application. The box is currently blank.

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SECTION 14 — DECLARATION

- We the undersigned have been authorised by the community body to provide the information in this form, the proposals detailed within it and any supporting documents.
- The community body understands that, if it makes any inaccurate statements or provides inaccurate information (deliberate or accidental) at any stage during the right to buy process, or if it knowingly withholds any information, this could result in Scottish Ministers deciding not to consent to the exercise of the right to buy.
- The community body has not altered or deleted the original wording of this form.
- The community body understands that this form requires each signatory (2 board members, charity trustees or committee members) to this form to provide his/her full names and home address for the purposes of prevention and detection of fraud.
- The community body confirms that it is a community body within the requirements of section 49 of the Land Reform (Scotland) Act 2016.
- The community body understands that this form and supporting documents may appear in the Register of Applications by Community Bodies to Buy Land.
- We understand that all or part of the information contained in this form and all information related to this application, may be publicly available via the Register of Applications by Community Bodies to Buy Land.
- We the undersigned have read and understand the terms of this declaration.

We, the undersigned on behalf of the CB as noted at section 1, apply for consent to exercise the right to buy land under Part 5 of the Act.

Name | |

Address | |

Date | |

Position | |

Signature

Name | |

Address | |

Date | |

Position | |

Signature