

Fig. 17 Local Community Land Rights

At present, local communities have the option of one statutory land right. This is the right of local communities acting through an 'appropriate community body' to exercise a right of pre-emption over land under Part 2 of the Land Reform (Scotland) Act 2003.

The Land Reform Review Group considers that local communities should have other statutory options to fit different circumstances and issues. The Group recommends in this Report that local communities should have four additional land rights. These are described in the text of the Report and summarised below.

With each right, the criteria for the appropriate local community body remain the same and based on those in Part 2 of the 2003 Act. The thresholds of requirements to be met for each right would progressively increase from numbers 1 to 5, with the increasingly significant nature of the rights involved.

1. Right to Register an Interest over Land

Process that enables an appropriate local community body in defined circumstances to register an interest over land where that is judged to be in the public interest, and then to be notified of the sale and any change of ownership of the land.

2. Right of Pre-emption to Buy Land

Process that enables an appropriate local community body in defined circumstances to register a right of pre-emption over land and to exercise that right if the land is to be sold, where that is judged by Scottish Ministers to be in the public interest.

3. Right to Request to Buy Public Land

Process that enables an appropriate local community body in defined circumstances to buy public land, whether or not it is for sale, where that is judged to be in the public interest by the public body responsible for the land or by Scottish Ministers.

4. Right to Buy Land

Process that enables an appropriate local community body in defined circumstances to buy land which is not for sale, where that is judged by Scottish Ministers to be in the public interest.

5. Right to Request a Compulsory Purchase Order over Land

Process that enables an appropriate local community body in defined circumstances to request Scottish Ministers to exercise a CPO over land for re-sale to the community body, where that is judged by Ministers to be in the public interest.