

Draft Order laid before the Scottish Parliament under section 98(5) of the Land Reform (Scotland) Act 2003 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2009 No.

LAND REFORM

**The Community Right to Buy (Definition
of Excluded Land) (Scotland) Order 2009**

Made - - - - 2009
Coming into force - - 15th June 2009

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 33(2) and 98(3) of the Land Reform (Scotland) Act 2003⁽¹⁾ and of all other powers enabling them in that behalf.

In accordance with section 98(5) of that Act, a draft of the Order has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2009 and shall come into force on 15th June 2009.

(2) In this Order, “the Act” means the Land Reform (Scotland) Act 2003.

Excluded land

2.—(1) There is designated as excluded land for the purposes of section 33 of the Act, the land comprising the settlements listed in the Schedule to this Order.

(2) Any land within the settlements of Armadale, Blackburn, Banknock, Hallglen or East Whitburn is not to be treated as being designated as excluded land for the purposes of section 33 of the Act if it is land that is the subject of an application made, by a community body under section 37 of the Act, before the date upon which this Order comes into force.

(3) The boundaries of the settlements specified in the Schedule to this Order are the boundaries which are delineated on the maps entitled “The Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2009: Definitive Maps”⁽²⁾.

⁽¹⁾ 2003 asp 2, to which there are amendments not relevant to this Order.

⁽²⁾ The maps were prepared by the Scottish Government’s Information, Science and Analysis Team and deposited at the Offices of the Scottish Government Rural Directorate, Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY. Details of the settlements

(4) Foreshore which is adjacent to the settlements specified in the Schedule to this Order is excluded land for the purposes of section 33 of the Act.

Revocation

3. The Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2006⁽³⁾ is revoked.

St Andrew's House,
Edinburgh
2009

Authorised to sign by the Scottish Ministers

comprising excluded land are available through the Rural Communities Mapping Tool which is accessible via the following web-link <http://www.scotland.gov.uk/Topics/Rural/rural-land/right-to-buy/MappingTool>.

(3) S.S.I. 2006/486.

SCHEDULE

Article 2

NAME	NAME
Aberdeen	Glasgow
Alloa	Glenrothes
Arbroath	Greenock
Ardrossan	Hamilton
Armadale	Hawick
Ayr	Helensburgh
Blackburn and Bathgate	Inverness
Bo'ness	Inverurie
Bonnybridge and Banknock	Irvine
Broxburn	Kilmarnock
Buckhaven	Kilwinning
Carluke	Kirkcaldy
Carnoustie	Kirkintilloch
Cowdenbeath	Largs
Cumbernauld	Larkhall
Dalkeith	Linlithgow
Dumbarton	Livingston
Dumfries	Montrose
Dundee	Penicuik
Dunfermline	Perth
East Kilbride	Peterhead
Edinburgh	St Andrews
Elgin	Stirling
Erskine	Stonehaven
Falkirk and Hallglen	Stranraer
Forfar	Troon
Fraserburgh	Westhill (Aberdeenshire)
Galashiels	Whitburn and East Whitburn

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates what is “excluded land” for the purposes of section 33 of the Land Reform (Scotland) Act 2003 (“the Act”).

Article 2(1) designates as “excluded land” the settlements listed in the Schedule to the Order. The boundaries of the settlements are delineated on maps known as “The Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2009: Definitive Maps”. The effect of a settlement being so designated is that a community body (as defined in section 34 of the Act) is not permitted to register an interest in the Register of Community Interests in Land in any land forming part of the settlement.

Article 2(2) is a saving provision to clarify that land in Armadale, Blackburn, Banknock, Hallglen or East Whitburn which is the subject of an application by a community body under section 37 of the Act will be treated as registrable land (within the meaning of section 33(1) of the Act) where the application is made before the date upon which this Order comes into force. For applications after that date that land is designated as excluded land for the purposes of Part 2 of the Act.

Article 2(4) makes clear that foreshore which is adjacent to any settlement listed in the Schedule to the Order is excluded land.

Details of the settlements comprising excluded land are available through the Rural Communities Mapping Tool which is accessible via the following web link <http://www.scotland.gov.uk/Topics/Rural/rural-land/right-to-buy/MappingTool>. Copies of the designated maps are available for public inspection free of charge during opening hours, as displayed, at the following locations:–

- (a) the Scottish Government Library, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD; and
- (b) the Scottish Government Rural Directorate, Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY (Tel: 0131 244 6003).