1st Groupings of Amendments for Stage 2
(Rural Affairs, Climate Change and Environment Committee)

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the first day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

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**Ways in which community bodies and crofting community bodies may be constituted**
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**Salmon fishings and mineral rights: public notice of certain applications under Part 2 of 2003 Act**
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Amendments in debating order

**Nature of land in which community interest may be registered under Part 2 of 2003 Act: separate tenements**

Aileen McLeod

12 In section 27, page 14, line 18, leave out <mineral rights to oil, coal, gas, gold or silver which are> and insert <a separate tenement which is>

Aileen McLeod

13 In section 27, page 14, line 19, leave out <they are> and insert <it is>

Aileen McLeod

14 In section 27, page 14, line 19, at end insert <(subject to subsection (2A))>

Aileen McLeod

15 In section 27, page 14, line 21, leave out from beginning to <includes> in line 22

Aileen McLeod

16 In section 27, page 14, line 24, at end insert <(other than rights to oil, coal, gas, gold or silver)>

Aileen McLeod

17 In section 27, page 14, line 26, after <exigible> insert <is not “excluded land” (and so is land in which a community interest may be registered under this Part)>

**Ways in which community bodies and crofting community bodies may be constituted**

Aileen McLeod

18 In section 28, page 14, line 34, leave out <or (1A)> and insert <, (1A) or (1B)>

Aileen McLeod

19 In section 28, page 15, line 3, at end insert—

   <( ) in paragraph (c), for “20” substitute “10”,
   ( ) for paragraph (d) substitute—
   “(d) provision that at least three quarters of the members of the company are members of the community,”,>

Aileen McLeod

20 In section 28, page 15, line 26, leave out <20> and insert <10>

Aileen McLeod

21 In section 28, page 15, line 27, leave out <the majority of the members of the SCIO is to consist of> and insert <at least three quarters of the members of the SCIO are>


Aileen McLeod  
22 In section 28, page 15, line 42, at end insert—

<(1B) A body falls within this subsection if it is a community benefit society the registered rules of which include the following—

(a) a definition of the community to which the society relates,

(b) provision enabling the society to exercise the right to buy land under this Part,

(c) provision that the society must have not fewer than 10 members,

(d) provision that at least three quarters of the members of the society are members of the community,

(e) provision under which the members of the society who consist of members of the community have control of the society,

(f) provision ensuring proper arrangements for the financial management of the society,

(g) provision that, on the request of any person for a copy of the minutes of a meeting of the society, the society must, if the request is reasonable, give the person within 28 days of the request a copy of those minutes,

(h) provision that, where a request of the type mentioned in paragraph (g) is made, the society—

(i) may withhold information contained in the minutes, and

(ii) if it does so, must inform the person requesting a copy of the minutes of its reasons for doing so, and

(i) provision that any surplus funds or assets of the society are to be applied for the benefit of the community.”.>

Aileen McLeod  
23 In section 28, page 16, line 1, leave out <or (1A)(c)> and insert <, (1A)(c) or (1B)(c)>

Aileen McLeod  
24 In section 28, page 16, line 3, leave out <and (1A)> and insert <, (1A) and (1B)>

Aileen McLeod  
25 In section 28, page 16, line 16, at end insert—

<““community benefit society” means a registered society (within the meaning of section 1 of the Co-operative and Community Benefit Societies Act 2014) registered as a community benefit society under section 2 of that Act,

“registered rules” has the meaning given by section 149 of that Act (as that meaning applies in relation to community benefit societies).>

Aileen McLeod  
26 In section 29, page 16, line 25, leave out <or constitution> and insert <, constitution or registered rules (as defined in section 34(8))>
Aileen McLeod

27 In section 29, page 16, line 38, leave out <or constitution> and insert <, constitution or registered rules (as defined in section 34(8))>

Aileen McLeod

33 After section 47, insert—

<Modifications of Part 3 of the Land Reform (Scotland) Act 2003

Crofting community bodies

(1) Section 71 of the 2003 Act (crofting community bodies) is amended as follows.

(2) Before subsection (1), insert—

“(A1) A crofting community body is, subject to subsection (4)—

(a) a body falling within subsection (1), (1A) or (1B), or

(b) a body of such other description as may be prescribed which complies with prescribed requirements.”.

(3) In subsection (1)—

(a) for the words “crofting community body is, subject to subsection (4) below,” substitute “body falls within this subsection if it is”,

(b) in paragraph (b), after “land” insert “, the interest mentioned in section 69A(3)”,

(c) in paragraph (c), for “20” substitute “10”,

(d) for paragraph (d) substitute—

“(d) provision that at least three quarters of the members of the company are members of the crofting community,”,

(e) in paragraph (f), the words “and the auditing of its accounts” are repealed, and

(f) in paragraph (h)—

(i) after “land” insert “, interest in land”, and

(ii) in sub-paragraph (i), for the words “or community body” substitute “, community body or Part 3A community body (as defined in section 97D)”.

(4) After subsection (1), insert—

“(1A) A body falls within this subsection if it is a Scottish charitable incorporated organisation (a “SCIO”) the constitution of which includes the following—

(a) a definition of the crofting community to which the SCIO relates,

(b) provision enabling the SCIO to exercise the right to buy land, the interest mentioned in section 69A(3) and sporting interests under this Part,

(c) provision that the SCIO must have not fewer than 10 members,

(d) provision that at least three quarters of the members of the SCIO are members of the crofting community,

(e) provision under which the members of the SCIO who consist of members of the crofting community have control of the SCIO,

(f) provision ensuring proper arrangements for the financial management of the SCIO,
(g) provision that, on the request of any person for a copy of the minutes of a meeting of the SCIO, the SCIO must, if the request is reasonable, give the person within 28 days of the request a copy of those minutes,

(h) provision that, where a request of the type mentioned in paragraph (g) is made, the SCIO—

(i) may withhold information contained in the minutes, and

(ii) if it does so, must inform the person requesting a copy of the minutes of its reasons for doing so, and

(i) provision that any surplus funds or assets of the SCIO are to be applied for the benefit of the crofting community.

(1B) A body falls within this subsection if it is a community benefit society the registered rules of which include the following—

(a) a definition of the crofting community to which the society relates,

(b) provision enabling the society to exercise the right to buy land, the interest mentioned in section 69A(3) and sporting interests under this Part,

(c) provision that the society must have not fewer than 10 members,

(d) provision that at least three quarters of the members of the society are members of the crofting community,

(e) provision under which the members of the society who consist of members of the crofting community have control of the society,

(f) provision ensuring proper arrangements for the financial management of the society,

(g) provision that, on the request of any person for a copy of the minutes of a meeting of the society, the society must, if the request is reasonable, give the person within 28 days of the request a copy of those minutes,

(h) provision that, where a request of the type mentioned in paragraph (g) is made, the society—

(i) may withhold information contained in the minutes, and

(ii) if it does so, must inform the person requesting a copy of the minutes of its reasons for doing so, and

(i) provision that any surplus funds or assets of the society are to be applied for the benefit of the crofting community.”.

(5) In subsection (2), after “(1)(c)” insert “, (1A)(c) or (1B)(c)”.

(6) After subsection (4), insert—

“(4A) Ministers may by regulations from time to time amend subsections (1), (1A) and (1B).

(4B) If provision is made under subsection (A1)(b), Ministers may by regulations make such amendment of section 72(1) in consequence of that provision as they consider necessary or expedient.”.

(7) In subsection (5)—

(a) after “(1)(a)” insert “, (1A)(a) or (1B)(a)”, and
in paragraph (a)—

(i) in sub-paragraph (i), after “Act” insert “and who are entitled to vote in local government elections in the polling district or districts in which that township is situated”,

(ii) the word “or” immediately following sub-paragraph (i) is repealed,

(iii) in sub-paragraph (ii), for the words from “being” to the end of the paragraph substitute—

“(ii) are tenants of crofts in the crofting township whose names are entered in the Crofting Register, or the Register of Crofts, as the tenants of such crofts;

(iii) are owner-occupier crofters of owner-occupied crofts in the crofting township whose names are entered in the Crofting Register as the owner-occupier crofters of such crofts; or

(iv) are such other persons, or are persons falling within a class of such other persons, as may be prescribed;”.

(8) In subsection (6)—

(a) for “(5)(a)(i)” substitute “(5)(a),

(b) after “above” insert “—”, and

(c) at the end insert—

“‘owner-occupied croft” has the meaning given by section 19B(5) of the Crofters (Scotland) Act 1993,

“owner-occupier crofter” is to be construed in accordance with section 19B of that Act.”.

(9) In subsection (8)—

(a) after “section” insert “—”, and

(b) at the end insert—

“‘community benefit society” means a registered society (within the meaning of section 1 of the Co-operative and Community Benefit Societies Act 2014) registered as a community benefit society under section 2 of that Act,

“registered rules” has the meaning given by section 149 of that Act (as that meaning applies in relation to community benefit societies),

“Scottish charitable incorporated organisation” has the meaning given by section 49 of the Charities and Trustee Investment (Scotland) Act 2005.”.

Aileen McLeod

2 After section 47, insert—

<Modification of memorandum or articles of association or constitution

In section 72 of the 2003 Act (provisions supplementary to section 71)—

(a) in subsection (1), for “or articles of association” substitute “, articles of association, constitution or registered rules (as defined in section 71(8))”, and
(b) after subsection (2) insert—

“(3) Subsection (2) does not apply if the crofting community body would no longer be entitled to buy the land because the land is not eligible croft land.

(4) Where the power conferred by subsection (2) is (or is to be) exercised in relation to land, Ministers may make an order relating to, or to matters connected with, the acquisition of the land.

(5) An order under subsection (4) may—

(a) apply, modify or exclude any enactment which relates to any matter as to which an order could be made under that subsection,

(b) make such modifications of enactments as appear to Ministers to be necessary or expedient in consequence of any provision of the order or otherwise in connection with the order.”.

Aileen McLeod

40 In schedule 4, page 81, line 16, leave out “or 94” substitute “>” and insert “72(4), 78,>”

Salmon fishings and mineral rights: public notice of certain applications under Part 2 of 2003 Act

Aileen McLeod

28 After section 29, insert—

<Public notice of certain applications

In section 37 of the 2003 Act (registration of interest in land)—

(a) in subsection (4)(b), at the beginning, insert “(except in the case of a proposed application of the type mentioned in subsection (4B))”, and

(b) after subsection (4) insert—

“(4A) Ministers are not to be satisfied under subsection (3) in relation to a proposed application of the type mentioned in subsection (4B) unless the applicant community body has given public notice of the proposed application by advertising it in such manner as may be prescribed.

(4B) The type of proposed application is one to register a community interest in land consisting of salmon fishings, or mineral rights, which are owned separately from the land in respect of which they are exigible.”.

Period for indicating approval under section 38 of 2003 Act

Dave Thompson
Supported by: Sarah Boyack

48 In section 30, page 17, line 7, leave out <6> and insert <12>
Aileen McLeod

29 In section 30, page 17, line 8, at end insert—

<(2B) Ministers may by regulations amend subsection (2A) so as to substitute for the period of time for the time being specified there a different period of time.>

Minor amendments in relation to Parts 2 and 3 of 2003 Act (including procedure for certain regulations)

Aileen McLeod

30 In section 31, page 17, line 10, leave out <in accordance with this section> and insert <as follows>

Aileen McLeod

38 In schedule 4, page 80, line 10, leave out <in accordance with this paragraph> and insert <as follows>

Aileen McLeod

39 In schedule 4, page 80, line 11, at end insert—

<( ) in subsection (4)(a), after “sought” insert “to be registered”>

Aileen McLeod

41 In schedule 4, page 81, line 17, leave out <or (4A)> and insert <, (4A) or (4B), 38(2B), 71(A1)(b), (4A) or (4B),>

Aileen McLeod

43 In the long title, page 1, line 3, leave out <Part 2> and insert <Parts 2 and 3>

Late applications for registration under Part 2 of 2003 Act

Aileen McLeod

31 In section 31, page 18, line 26, at end insert—

<“(3ZA) Despite subsection (3), Ministers may decide that a community interest is to be entered in the Register even though the conditions in paragraphs (a) and (aa) of that subsection are not satisfied in relation to the interest, if Ministers are satisfied that there are good reasons—

(a) why the conditions are not satisfied, and

(b) for allowing the interest to be entered in the Register.”>

Dave Thompson

Supported by: Sarah Boyack

50 In section 31, page 18, line 26, at end insert—

<“(3ZA) Subsection (3) is subject to subsection (3ZB).>
(3ZB) If the relevant work or relevant steps mentioned in paragraph (a) of subsection (3) is or are—

(a) not carried out, Ministers may disregard that paragraph and paragraph (aa) of that subsection provided they are satisfied that there is good and sufficient reason why that work was, or those steps were, not carried out,

(b) carried out but the requirements of sub-paragraph (i) of paragraph (aa) are not met, Ministers may disregard that sub-paragraph provided that they are satisfied that there is a good and sufficient reason why those requirements were not met.

Alex Fergusson

49* In section 31, page 18, line 26, at end insert—

<“(3ZA) Where this section applies in relation to an application, Ministers shall not decide that a community interest is to be entered in the Register if prior to the making of the application the owner of the land or, as the case may be, a creditor in a standard security with a right to sell the land has—

(a) made an offer to sell the land to the community body making the application, but the community body did not proceed with that offer,

(b) a process was begun to transfer the land to the ownership of the community body, but the community body did not proceed with that process.”>

Dave Thompson
Supported by: Sarah Boyack

51 In section 31, page 19, line 5, leave out <subsection (3)> and insert <subsections (3) and (3ZB)>

Duration and renewal of registration under Part 2 of 2003 Act

Dave Thompson
Supported by: Sarah Boyack

44 After section 33, insert—

<Duration of registration

In section 44 of the 2003 Act (duration and renewal of registration), in each of subsections (1) and (4), for the word “five” substitute “ten”.>

Dave Thompson

52 After section 33, insert—

<Notification of expiry of registration period

In section 44 of the 2003 Act (duration and renewal of registration), after subsection (1) insert—

“(1A) A community body which has registered a community interest will be notified by the Keeper of the date on which that period expires twelve months before that date occurs.”>
Renewal of registration

In section 44 of the 2003 Act (duration and renewal of registration), for subsections (2) and (3) substitute—

“(2A) A community body which has registered a community interest may at any time within the year preceding the expiry of that period apply to Ministers, under this subsection, to re-register that interest.

(2B) On such an application, Ministers may direct the Keeper to re-enter the interest in the Register.

(2C) Without prejudice to the generality of subsection (2B) above, it is to be presumed that a direction will be given under that subsection where, in the opinion of Ministers, there has been no material change in circumstances since the community interest was first registered under section 37 above.

(2D) Ministers may by regulations prescribe—

(a) a form for any application under subsection (2A) above,

(b) the procedure to be followed in making and disposing of any such application,

(c) subject to the presumption mentioned in subsection (2C) above, the matters as to which Ministers must be satisfied if they are to make a direction under subsection (2B) above, and

(d) factors to which (with such other factors, if any, as Ministers think appropriate in any particular case) Ministers must have regard in determining whether there has been a material change in circumstances for the purposes of subsection (2C) above.

(2E) Before making any regulations under subsection (2D) above, Ministers must consult such persons or bodies as Ministers consider appropriate.”.

Appeals to Lands Tribunals as respects valuations of land under Part 2 of 2003 Act

Aileen McLeod

After section 45, insert—

Appels to Lands Tribunal as respects valuations of land

(1) Section 62 of the 2003 Act (appeals to Lands Tribunal: valuations) is amended as follows.

(2) In subsection (7), after “reasons”, where it second occurs, insert “—

(a) within 8 weeks of hearing the appeal, or
(b) where subsection (7A) applies, by such later date referred to in paragraph (b)(ii) of that subsection.”.

(3) After section (7) insert—

“(7A) This section applies where—

(a) the Lands Tribunal considers that it is not reasonable to issue a written statement mentioned in subsection (7) by the time limit specified in paragraph (a) of that subsection, and

(b) before the expiry of that time limit, the Lands Tribunal has notified the parties to the appeal—

(i) that the Tribunal is unable to issue a written statement by that time limit, and

(ii) of the date by which the Tribunal will issue such a written statement.”.

(4) In subsection (8), for the words from “to” to the end of the subsection substitute “—

(a) to comply with the time limit specified in paragraph (a) of subsection (7) above, or

(b) to issue a written statement by the date referred to in paragraph (b) of that subsection.”.

Aileen McLeod

42 In schedule 5, page 82, line 7, leave out <, (6) and (8)> and insert <and (6)>

Information to be included in application under Part 3 of 2003 Act

Aileen McLeod

3 After section 47, insert—

<Application: information about rights and interest in land

(1) Section 73 of the 2003 Act (application by crofting community body for consent to buy croft land etc.) is amended as follows.

(2) In subsection (5)—

(a) after “form” insert “, shall specify the persons mentioned in subsection (5ZA)”,

(b) in paragraph (b)—

(i) in sub-paragraph (i), after “application” insert “known to the crofting community body”, and

(ii) the words from “(ii)” to the end of the paragraph are repealed, and

(c) paragraph (f) is repealed.

(3) After subsection (5) insert—

“(5ZA)The persons are—

(a) the owner of the land,
(b) any creditor in a standard security over the land or any part of it with a right to sell the land or any part of it,

(c) the tenant of any tenancy of land over which the tenant has an interest,

(d) the person entitled to any sporting interests,

in respect of which the right to buy is sought to be exercised.”.

(4) In subsection (11), for paragraphs (a) and (b) substitute “in such manner as may be prescribed”.

**Criteria for Ministerial consent under Part 3 of 2003 Act**

Aileen McLeod

4 After section 47, insert—

<Criteria for consent by Ministers

In section 74 of the 2003 Act (criteria for consent by Ministers), in subsection (1)—

(a) the word “and” immediately following paragraph (m) is repealed, and

(b) after paragraph (n) insert—

“(o) that the owner of the land to which the application relates is accurately identified in the application,

(p) that any creditor in a standard security over the land to which the application relates or any part of it with a right to sell the land or any part of it is accurately identified in the application,

(q) in the case of an application made by virtue of section 69A(2), that the tenant whose interest is the subject of the application is accurately identified in the application, and

(r) that the person entitled to any sporting interests to which the application relates is accurately identified in the application.”.

**Ballots under Part 3 of 2003 Act**

Aileen McLeod

5 After section 47, insert—

Ballot: information and expenses

(1) Section 75 of the 2003 Act (ballot to indicate approval for the purposes of section 74(1)(m)) is amended as follows.

(2) After subsection (4) insert—

“(4A) Ministers may require the crofting community body—

(a) to provide such information relating to the ballot as they think fit, and
(b) to provide such information relating to any consultation with those eligible to vote in the ballot undertaken during the period in which the ballot was carried out as Ministers think fit.

(4B) Subject to subsection (6), the expense of conducting a ballot under this section is to be met by the crofting community body.”.

(3) After subsection (5) insert—

“(6) Ministers may by regulations make provision for or in connection with enabling a crofting community body, in such circumstances as may be specified in the regulations, to apply to them to seek reimbursement of the expense of conducting a ballot under this section.

(7) Regulations under subsection (6) may in particular make provision in relation to—

(a) the circumstances in which a crofting community body may make an application by virtue of that subsection,

(b) the method to be applied by Ministers in calculating the expense of conducting the ballot,

(c) the criteria to be applied by Ministers in deciding whether to make a reimbursement to the applicant,

(d) the procedure to be followed in connection with the making of—

(i) an application to Ministers,

(ii) an appeal against a decision made by Ministers in respect of an application,

(e) persons who may consider such an appeal,

(f) the powers of such persons.”.

Application by more than one crofting community body

Aileen McLeod

6 After section 47, insert—

<Application by more than one crofting community body

In section 76 of the 2003 Act (right to buy same croft land exercisable by only one crofting community body), for subsection (4)(b)(i) substitute—

“(i) each person invited, under section 73(8)(a), to send them views on the application,”.

References to Land Court under Part 3 of 2003 Act etc.

Aileen McLeod

7 After section 47, insert—
<Reference to Land Court of questions on applications>
In section 81 of the 2003 Act (reference to Land Court of questions on applications), in subsection (1)—
(a) after paragraph (b) insert—
“(ba) the owner of the land which is the subject of the application,
(bb) the person entitled to any sporting interests which are the subject of the application,”, and
(b) in paragraph (ca), after “interest”, where it first occurs, insert “—
(i) the tenant; and
(ii)”.>

Aileen McLeod
10 After section 47, insert—

<Land Court: reasons for decision under section 92>
In section 92 of the 2003 Act (appeals to Land Court: valuation)—
(a) in subsection (5), for the words “within 4 weeks of the hearing of the appeal” substitute “—
(a) within 8 weeks of the hearing of the appeal, or
(b) where subsection (5A) applies, by such later date referred to in paragraph (b)(ii) of that subsection.”,
(b) after subsection (5) insert—
“(5A) This subsection applies where—
(a) the Land Court considers that it is not reasonable to issue a written statement mentioned in subsection (5) by the time limit specified in paragraph (a) of that subsection, and
(b) before the expiry of that time limit, the Land Court has notified the parties to the appeal—
(i) that the Land Court is unable to issue a written statement by that time limit, and
(ii) of the date by which the Land Court will issue such a written statement.”, and
(c) in subsection (6), for the words from “to” to the end of the subsection substitute “—
(a) to comply with the time limit specified in paragraph (a) of subsection (5) above, or
(b) to issue a written statement by the date referred to in paragraph (b) of that subsection.”.>
**Valuations under Part 3 of 2003 Act**

Aileen McLeod

8 After section 47, insert—

<Valuation: views on representations and time limit

In section 88 of the 2003 Act (assessment of value of croft land etc.)—

(a) after subsection (9), insert—

“(9A) Where written representations under subsection (9) are received—

(a) from the owner of the land, the tenant or the person entitled to the
sporting interests, the valuer must invite the crofting community body
which is exercising its right to buy the land, tenant’s interest or
sporting interests to send its views on the representations in writing,

(b) from the crofting community body which is exercising its right to buy
the land, tenant’s interest or sporting interests, the valuer must invite
the owner of the land, the tenant or the person entitled to the sporting
interests to send the views of the owner, tenant or (as the case may
be) person on the representations in writing.

(9B) In carrying out a valuation under this section, the valuer must consider any
views sent under subsection (9A).”, and

(b) in subsection (13), for the word “6” substitute “8”.

>Part 3 of 2003 Act: compensation for certain losses

Aileen McLeod

9 After section 47, insert—

<Compensation

In section 89 of the 2003 Act (compensation), for subsection (4) substitute—

“(4) Ministers may, by order, make provision for or in connection with specifying—

(a) amounts payable in respect of loss or expense incurred as mentioned in
subsection (1),

(b) amounts payable in respect of loss or expense incurred by virtue of
this Part by a person of such other description as may be specified,

(c) the person who is liable to pay those amounts,

(d) the procedure under which claims for compensation under this section
are to be made.”.
Meaning of creditor in standard security with right to sell in Part 3 of 2003 Act

Aileen McLeod

11 After section 47, insert—

<Meaning of creditor in standard security with right to sell

After section 97A of the 2003 Act insert—

“97B  Meaning of creditor in standard security with right to sell

Any reference in this Part to a creditor in a standard security with a right to sell land is a reference to a creditor who has such a right under—

(a) section 20(2) or 23(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970, or

(b) a warrant granted under section 24(1) of that Act.”.>

Abandoned and neglected land

Michael Russell

34 In section 48, page 29, line 15, at end insert <, or

( ) otherwise in substantial need of sustainable development.>

Sarah Boyack

54 In section 48, page 29, leave out lines 27 to 29

Michael Russell

35 In section 48, page 31, line 30, leave out <Abandoned or Neglected> and insert <Eligible>

Michael Russell

36 In section 48, page 33, line 19, leave out <wholly or mainly abandoned or neglected> and insert <eligible land for the purposes of this Part>

Michael Russell

37 In section 48, page 35, line 4, leave out <wholly or mainly neglected or abandoned> and insert <eligible land for the purposes of this Part>

Dave Thompson

45 In section 48, page 36, leave out lines 15 to 17 and insert—

<( ) that the achievement of sustainable development in relation to the land would be unlikely to be furthered by the owner of the land continuing to be its owner,>
Ministers to have regard to International Covenant on Economic, Social and Cultural Rights

Michael Russell

46 In schedule 4, page 81, line 18, at end insert—

<( ) after subsection (5) insert—

“(5A) In making any decision under Part 2, 3 or 3A, Ministers are to have regard to the International Covenant on Economic, Social and Cultural Rights (adopted and opened to signature, ratification and accession by General Assembly Resolution 2200A (XXI) of 16 December 1966).”>

Acquisitions of land under Parts 2, 3 or 3A of 2003 Act: mediation

Graeme Dey

47 In schedule 4, page 81, line 18, at end insert—

<( ) after subsection (5) insert—

“(5B) Where a community body is seeking to acquire land under Part 2, 3 or 3A, Ministers may, on being requested to do so by the owner of the land or by the community body, take such steps as Ministers consider appropriate for the purpose of arranging, or facilitating the arrangement of, mediation with regard to the proposed acquisition.”>

Applications under Parts 2, 3 or 3A of 2003 Act: correction of errors

Claudia Beamish

56 In schedule 4, page 81, line 19, at end insert—

<( ) after subsection (8), insert—

“(9) A community body which has made a written application under Part 2, 3 or 3A may, at any time before the application is disposed of, correct in writing a clerical or other non-material error in that application.”

Parts 2 and 3A of 2003 Act: extension of periods of 7 days to 14 days in certain circumstances

Claudia Beamish

57 In schedule 4, page 81, line 19, at end insert—

<( ) After section 98 insert—

“98A Special application of certain provisions of Parts 2 and 3A

(1) This section applies to any provision of Part 2 or 3A of this Act which includes the words “before the end of the period of 7 days”, “within 7 days” or “within the period of 7 days”.
(2) Ministers may determine, where they are satisfied that there is a good and sufficient reason for doing so, that in the application of the provision to a particular case, the 7 days in question are to be extended to 14 days.

(3) Where Ministers make a determination under subsection (2), they must issue their determination in writing accompanied by a statement of their reasons for being satisfied that there are good and sufficient reasons to extend the period.”.>