



HISTORIC  
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Community Empowerment Unit  
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Our Case ID: 201601359

15 June 2016

By email [crtb@scotland.gov.scot](mailto:crtb@scotland.gov.scot)

Dear

**The Scottish Government – Community Empowerment (Scotland) Act 2015  
Right to Buy: Consultation on Draft Regulations**

Thank you for your invitation to provide our views on draft regulations on Right to Buy. I offer the following comments on behalf of Historic Environment Scotland which is the new lead public body established to investigate, care for and promote Scotland's historic environment.

We are a non-departmental public body with charitable status, governed by a Board of Trustees, who were appointed by Scottish Ministers. We lead and enable Scotland's first historic environment strategy *Our Place in Time*, which sets out how our historic environment will be managed. It ensures our historic environment is cared for, valued and enhanced, both now and for future generations.

We are also responsible for more than 300 properties of national importance. Buildings and monuments in our care include Edinburgh Castle, Skara Brae, Fort George and numerous smaller sites across Scotland, which together draw more than 3 million visitors per year.

**Consultation paper**

We have provided our views on the draft regulations under questions 1 to 4 of the enclosed consultation response form. For ease of reference I have included our responses to these questions in the attached annex, together with additional comments. We do not have views on any of the other questions.

I hope this is helpful. Should you wish to discuss our comments in more detail, please feel welcome to contact Pauline Megson on 0131 668 8669.

Yours sincerely

**Barbara Cummins**  
Director of Heritage Management



## Annex – Historic Environment Scotland representations QUESTIONS 1 to 4 – RIGHT TO BUY

**Q1: Do you agree with the prescribed matters to which we consider Ministers should have regard when deciding whether land is eligible land?**

Yes

### Comments

We include the following on where our work can support the implementation of these new regulations:

We assess and publish data every two years on the condition of the historic environment, including historic buildings in towns, cities and rural areas, through the [Scottish Historic Environment Audit](#)

We publish and maintain the [Buildings at Risk Register](#) which monitors the condition of the listed buildings and buildings in conservation areas across Scotland that are vacant or have fallen into disrepair. This is a searchable database providing information on the condition, occupancy, availability, level of risk and planning history of historic buildings. The aim of the Register is to monitor the condition of our historic building stock and promote opportunities for reuse. The data on condition is linked to the National Performance Framework Indicator: *Improve the state of Scotland's historic sites*.

The Buildings at Risk Register includes a [Toolkit](#) that explores ways to tackle Scotland's most endangered historic buildings. The Toolkit comprises a suite of texts relating to buildings at risk such as the legislative context, ownership, compulsory acquisition and planning. We plan to update the Toolkit and will include information about the provisions of the Community Empowerment (Scotland) Act 2015, in particular the parts on Right to Buy and Asset Transfer.

We encourage and enable positive reuse of historic buildings by giving advice on project development, conservation, planning and feasibility. We will be able to refer to, and welcome, Right to Buy as a strengthened legislative tool available to communities to unlock the potential of abandoned or neglected historic buildings in their area.

We offer [Grants](#) to support historic environment projects including repair of historic buildings. Our grants help promote and protect the historic environment where projects will: deliver benefits for communities; promote public access; promote quality; develop knowledge and skills; build capacity for local heritage management.

**Q2: Do you agree that the types of land should be land pertaining to land that is a person's home?**

Yes

**Q3: Do you agree with the descriptions of classes of occupancy or possession which are, or are to be treated as, a tenancy for the purposes of Part 3A of the Land Reform (Scotland) Act 2003?**



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Yes

**Q4: Do you agree that a regulator should be described as a person, body or office-holder that has the power to carry out regulatory functions?**

Yes

**Comments**

Historic Environment Scotland is the lead public body set up to investigate, care for and promote Scotland's historic environment [www.historicenvironment.scot](http://www.historicenvironment.scot)

Our regulatory functions are set out in our [Historic Environment Scotland Policy Statement](#).



**Consultation on secondary legislation proposals relating to Part 3A of the Land Reform (Scotland) Act 2003 – the community right to buy abandoned, neglected or detrimental land as introduced by the Community Empowerment (Scotland) Act 2015**



**RESPONDENT INFORMATION FORM**

**Please Note** this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Historic Environment Scotland	
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Phone number  
Address

Longmore House Salisbury Place Edinburgh
--

Postcode	EH9 1SH
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Email	
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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (anonymous)  
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes  
 No

**1. Section 97C(4) – Prescribe eligible land for the purposes of Part 3A – land which is eligible for purchase by a Part 3A community body**

**Question 1**

Do you agree with the above matters? Yes  No   
If not, please explain

Are there any matters you believe should be added? If so, please give details.

Are there any matters you believe should be removed? If so, please give details.

**2. Section 97C(5) – Land pertaining to land on which there is a building or structure which is a person’s “home”**

**Question 2**

Do you agree that the above types of land should be land pertaining to land that is a person’s home? Yes  No

If not, please explain

Are there any types of land that you believe should be added? If so, please give details.

Are there any types of land that you believe should be removed? If so, please give details.

**3. Section 97C(5)(f) – Descriptions or classes of land which is not eligible for purchase by a Part 3A community body**

Are there any descriptions or classes of land that you believe should not be eligible for purchase by a Part 3A community body? If so, please give details.

**4. Section 97C(6)(b) – Descriptions or classes of occupancy or possession which are, or are to be treated as, a tenancy – land which will be eligible for purchase by a Part 3A community body**

**Question 3**

Do you agree with the above descriptions or classes of occupancy or possession which are, or are to be treated as, a tenancy for the purposes of Part 3A of the Land Reform (Scotland) Act 2003? Yes  No

If not, please explain

Are there any descriptions or classes of occupancy or possession which are, or are to be treated as, a tenancy, that you believe should be added? If so, please give details.

Are there any descriptions or classes of occupancy or possession which are, or are to be treated as, a tenancy that you believe should be removed? If so, please give details.

**5. Section 97H(6) – List of prescribed regulators**

**Question 4**

Do you agree that a regulator should be described as a person, body or office-holder that has the power to carry out regulatory functions? Yes  No

If not, please explain

Are there any persons, bodies or office-holders that you believe should be included in the definition of regulator, but are not listed above? If so, please give details.



Are there any persons, bodies or office-holders that you believe should not be included in the definition of regulator? If so, please give details.

**6. Section 97N(1)&(3): Prohibitions on sale or transfer of land; suspension of rights**

**Date prohibition or suspension of right applied**

**Question 5**

Do you think the proposed dates are appropriate? Yes  No

If not, please explain

**Date prohibition or suspension of rights lifted**

**Question 6**

Do you think the proposed dates are appropriate? Yes  No

If not, please explain

**Section 97N(1) and 97N(3) – Persons subject to prohibition**

**Question 7**

Do you agree with proposals? Yes  No

If not, please explain

**Section 97N(2) regulations made under section 97N(1) – Transfers or dealings not subject to these regulations**

**Question 8**

Do you agree with the above list of transfers or dealings?

Yes  No

If not, please explain

Are there any that you believe should be added? If so, please give details.

Are there any that you believe should be removed? If so, please give details.

**Section 97N(3) – Suspension of rights over the land**

**Question 9**

The above section sets out proposals surrounding the rights which are to be suspended when a valid application is made under Part 3A.

Do you agree with these proposals? Yes  No

If not, please explain

Are there any other rights that you believe should be suspended? If so, please give details.

Are there any of these rights that you believe should not be suspended? If so, please give details.

**7. Section 97J(7) – Provision for or in connection with enabling a Part 3A community body to apply for the cost of ballot expenses to be reimbursed**

**Question 10**

Do you agree with these proposals? Yes  No

If not, please explain

Are there any other circumstances under which you believe a community body should be able to apply for reimbursement? If so, please give details.

**Procedures to be followed when applying for reimbursement of the full cost of conducting the ballot**

**Question 11**

Do you agree with these proposals? Yes  No

If not, please explain

**8. Section 97T(4) – entitlement to compensation**

**Question 12**

Do you agree with these proposals? Yes  No

If not, please explain



