# Executive Note

**DRAFT : The Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2006 (S.S.I 2006/ )**

The above instrument is made in exercise of the powers conferred by section 33(2) of the Land Reform (Scotland) Act 2003 ("the Act"). The Community Right to Buy in Part 2 of the Act was commenced on 14 June 2004. This instrument revokes the initial order, the Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2004 (S.S.I 2004/296). The Order is made under affirmative resolution procedure.

## Policy Objectives

The purpose of the instrument is to specify the land which is excluded from the community right to buy procedure under Part 2 of the Act. Excluded land comprises the settlements listed in the Schedule, being settlements of over 10,000 population as specified in the General Register Office for Scotland publication "Mid-2004 Population Estimates for Settlements in Scotland" published on 13 June 2006. All land outwith those settlements listed may therefore be subject to a registration of community interest, should a community body be interested in purchasing land when it comes to be sold. This land is known as "registrable land". The Order will be updated periodically, to reflect the most up-to-date settlements information publicly available from the General Register Office for Scotland. Updating will result in an amended settlements list and revised maps to reflect changes to settlement boundaries since the previous Schedule.

At all stages, we have taken care to ensure that the legislation and its impact are predictable for all concerned. The Executive makes available for public inspection, at various locations throughout Scotland, maps identifying excluded land. These maps are also available electronically on the Executive's website.

Excluded land includes foreshore areas adjacent to any excluded settlement.

## Consultation

The existing 2004 order, approved by Parliament on 28 April 2004, reflects Ministers' decision to adopt a 10,000 population threshold for this purpose which was fixed following extensive consultation on an initial proposal to adopt a 3,000 population threshold. This new order maintains that policy position and simply reflects the latest geographical interpretation of population statistics and settlement boundary information published by the General Register Office for Scotland. Parliament approved in 2004 the Executive's intention to update periodically the Schedule to the order to reflect the most up-to-date settlement information publicly available, therefore no further consultation exercise on this new order was thought necessary. No new policy concerns have been raised since approval of the existing order.

## Effects of this order

The effects of Parliament approving this order and revoking the existing order, and thereby applying the latest population and settlement boundary information publicly available from the General Register Office for Scotland, are as follows:

**Added are** (settlements now above 10,000 population but previously below):
Stonehaven
Westhill (Aberdeen)

**Amended are** (settlements previously separate and now amalgamated or simply re-named):

| | |
|---|---|
| Ayr/Prestwick - | now just Ayr |
| Buckhaven/Kennoway - | now just Buckhaven |
| Kirkintilloch/Lenzie - | now just Kirkintilloch |
| Blackwood (Cumbernauld) - | now just Cumbernauld |
| Blantyre/Hamilton - | now just Hamilton |

## Financial Effects

The instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive Environment and Rural Affairs Department
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