

SCOTTISH UNIVERSITIES LAND UNIT (SULU)

www.dtascommunityownership.org.uk

SULU QUESTIONS

1. Ownerless land: the role of KLTR and Companies House.

Where an owner has died without heirs, or a company has been removed from the companies register while still owning property.

2. Ownerless land: a *non domino* dispositions.

Where the owner cannot be identified: statutory procedure under the Land Registration etc. (Scotland) Act 2012.

3. Ownerless land: the potential of compulsory purchase orders.

Could a CPO be used by a local authority or other appropriate body to take title to the land, and then carry out a sale to a community body?

4. Definition of the verges of a road.

A community body had a query about land being sold for a housing development where access to the public road would be over the verge which is owned by the houses opposite and which had not been maintained by the local authority as part of the road, and so queried whether the verge was adopted.

5. A search in Hansard, to check speeches made by an M.P. in the 1890s in relation to the use of land which a community body is interested in buying.

The land may have been used for common grazing, although this is not in a crofting county.

6. Common Good: an outline.

Factsheet in clear English requested.

7. Community ownership: a guide under the relevant Acts.

Factsheet of the different processes under the relevant Acts.

8. Car parks owned by a local authority: is there any restriction on the use of the income?

Where a community body leases a car park from a local authority, are there any limits on the use of the income generated by the car park?

9. Regulatory bodies in relation to detrimental land under the Community Empowerment (Scotland) Act 2015.

Which bodies does a community body have to contact, if there is contamination of the land?

10. Freedom of information requests.

The local authority has the right to limit the information provided, when sending an answer to a freedom of information request. What are the exceptions to the information provided by a local authority?

11. How does the community right-to-buy legislation affect housing?

How do the two Land Reform Acts affect a main residence, a second home, or a buy-to-let property?

12. Enforceability of title conditions.

What is the current position regarding enforceability of title conditions, quoting case law? Who has the right to enforce title conditions?

13. Title conditions in relation to common or amenity ground.

Is there any case law which would support a small number of owners within a large housing estate incorporating a small area of amenity ground into their gardens? This question was raised in relation to very unusual circumstances, where the amenity ground was laid out for a visual screen to neighbouring property and that requirement was superceded after the housing estate was completed.

14. Problems with parking.

Has a servitude right to park been acquired by an island community, from use of land on the mainland for parking their cars?

15. Ownership of unauthorised land extension.

Where a spit of land into the sea has been created by unauthorised landfill, who owns that land – is it the owner of the land beside the sea, or the owner of the foreshore over which the spit of land has been built?