

# LAND REFORM (SCOTLAND) ACT 2003

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## EXPLANATORY NOTES

### THE ACT – AN OVERVIEW

#### **Part 3** the Crofting Community Right to Buy

##### *Section 74: Criteria for consent by Ministers*

- 282. This section provides that Ministers must satisfy themselves about specified matters before consenting to a crofting community right to buy.
- 283. Subsection (1)(g) prevents the crofting community right to buy being used to repurchase land which has previously been acquired through the use of that right to buy then re-sold.
- 284. Subsection (1)(h) prevents the exercise of the crofting community right to buy where the owner of the land is prevented from selling or is under an obligation to sell to someone other than the community body.
- 285. Subsection (1)(i) requires Ministers to be satisfied that a community body meets the requirements in section 71.
- 286. Subsection (1)(j) requires Ministers to satisfy themselves that the exercise of the right to buy would be compatible with furthering the achievement of sustainable development.
- 287. Subsection (1)(k) ensures that acquisitions of salmon fishings, mineral rights and sporting interests must be capable of contributing to the development of the community.
- 288. Subsection (1)(l) requires Ministers to ensure that the crofting community body and the crofting community to which it relates fully represent the crofting interests in the land which is the subject of the application.
- 289. Subsection (1)(m) requires Ministers to be satisfied that a ballot has taken place and the relevant crofting community have approved the crofting community right to buy application. This links to section 75.
- 290. Subsection (1)(n) requires Ministers to be satisfied that granting an application would be in the public interest before consenting to the application.
- 291. Subsection (2) expands the meaning of public interest for the purposes of the requirement in subsection (1)(n), and in particular provides that the interests of any community represented by a community body established for the purposes of Part 2 and any crofting community represented by a crofting community body must be taken into account.