



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 3 **S**

#### THE CROFTING COMMUNITY RIGHT TO BUY

### CHAPTER 5 **S**

#### GENERAL AND MISCELLANEOUS PROVISIONS

#### 94 Register of Crofting Community Rights to Buy **S**

- (1) The Crofters Commission shall set up and keep (or secure that there is set up and kept) a register to be known as the Register of Crofting Community Rights to Buy (the “crofting register”).
- (2) The crofting register shall be set up and kept so as to contain, in a manner and form convenient for public inspection, the following information and documents relating to each application to exercise the right to buy registered in it—
  - (a) [<sup>F1</sup>where the crofting community body which has submitted the application is constituted by a company limited by guarantee,] the name and address of the registered office of the company <sup>F2</sup>...;
  - [<sup>F3</sup>(aa) where the crofting community body which has submitted the application is constituted by a Scottish charitable incorporated organisation within the meaning given in section 71(8) (a “SCIO”), the name and address of the principal office of the SCIO,
  - (ab) where the crofting community body which has submitted the application is constituted by a community benefit society as defined in section 71(8), the name and address of the registered office of the society,]
  - (b) a copy of the application;
  - (c) a copy of Ministers' decision consenting or refusing to consent to the exercise of the right to buy;
  - (d) a copy of—
    - (i) any notice of withdrawal by the crofting community body of an application to exercise the right to buy;

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- (ii) any notice of confirmation by the body of its intention to proceed to exercise that right;
- (iii) any notice withdrawing that confirmation; and
- (iv) any acknowledgement by Ministers of receipt of notice such as is mentioned in sub-paragraphs (i) to (iii) above; and
- (e) such other information as Ministers consider appropriate.

[<sup>F4</sup>(2A) Subsection (2B) applies where—

- (a) a crofting community body changes its name,
- (b) a crofting community body which is constituted by a company limited by guarantee or by a community benefit society changes the address of its registered office, or
- (c) a crofting community body which is constituted by a SCIO changes the address of its principal office.

(2B) The crofting community body must, as soon as reasonably practicable after the change is made, notify the Crofting Commission of the change.]

(3) Ministers may, by order, modify paragraphs (a) to (e) of subsection (2) above.

[<sup>F5</sup>(3A) If the crofting community body registering an application requires that any such information or document relating to that application and falling within subsection (3B) as is specified in the requirement be withheld from public inspection, that information or document is to be kept by or on behalf of Ministers separately from and not entered in the crofting register.

(3B) Information or a document falls within this subsection if it relates to arrangements for the raising or expenditure of money to enable the land to which the application relates to be put to a particular use.

(3C) Nothing in subsection (3A) or (3B) obliges an applicant crofting community body, or empowers Ministers to require such a body, to submit to Ministers any information or document within subsection (3B).]

(4) Any person who, under this Part of this Act, provides a document or other information, or makes a decision, which or a copy of which is to be registered in the crofting register shall, forthwith on providing the document or other information or, as the case may be, making the decision, give it or a copy of it to the Crofters Commission for the purpose of allowing it to be so registered.

(5) The Crofters Commission shall ensure—

- (a) that the crofting register is, at all reasonable times, available for public inspection free of charge;
- (b) that members of the public are given facilities for getting copies of entries in the crofting register on payment of reasonable charges;
- (c) that any person requesting it is, on payment of such a charge, supplied with an extract entry certified to be a true copy of the original.

(6) An extract so certified shall be sufficient evidence of the original.

#### **Textual Amendments**

- F1** Words in s. 94(2)(a) inserted (24.2.2021) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), ss. 72(2)(a)(i), 142(1); S.S.I. 2020/448, art. 2 (with art. 3)

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- F2** Words in s. 94(2)(a) repealed (24.2.2021) by Community Empowerment (Scotland) Act 2015 (asp 6), ss. 72(2)(a)(ii), 142(1); S.S.I. 2020/448, art. 2 (with art. 3)
- F3** S. 94(2)(aa)(ab) inserted (24.2.2021) by Community Empowerment (Scotland) Act 2015 (asp 6), ss. 72(2)(b), 142(1); S.S.I. 2020/448, art. 2 (with art. 3)
- F4** S. 94(2A)(2B) inserted (24.2.2021) by Community Empowerment (Scotland) Act 2015 (asp 6), ss. 72(3), 142(1); S.S.I. 2020/448, art. 2 (with art. 3)
- F5** S. 94(3A)-(3C) inserted (24.2.2021) by Community Empowerment (Scotland) Act 2015 (asp 6), ss. 72(4), 142(1); S.S.I. 2020/448, art. 2 (with art. 3)

## 95 Avoidance of disposal other than to crofting community body **S**

[<sup>F6</sup>(1) It is not competent for the owner of the land, or as the case may be the tenant or the person entitled to the sporting interests, to which an application under section 73 above relates—

- (a) to dispose of the land or sporting interests; or
- (b) to assign the tenant's interest,

after the consent date to any person other than the crofting community body which made the application.]

(2) Subsection (1) above has no effect where the crofting community body has withdrawn the application or has otherwise decided not to proceed to exercise its right to buy the land [<sup>F7</sup>, tenant's interest or sporting] interests.

(3) In subsection (1) above, “consent date” has the same meaning as in section 87 above.

### Textual Amendments

- F6** S. 95(1) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, Sch. 1 para. 5(17)(a) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, Sch.
- F7** Words in s. 95(2) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, Sch. 1 para. 5(17)(b) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, Sch.

## 96 Limitation on effect of this Part **S**

Nothing in this Part of this Act—

- (a) affects any rights given by or under the 1993 Act or prevents a crofting community body from being a landlord for the purposes of that Act; or
- (b) prevents a crofting community body from having and exercising power to acquire land [<sup>F8</sup>(or an interest created over land)] or other property otherwise than under it.

### Textual Amendments

- F8** Words in s. 96(b) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, Sch. 1 para. 5(18) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, Sch.

## 97 Scottish Land Court **S**

(1) Subject to sections 79 and 91 above, the Land Court shall have jurisdiction to hear and determine all matters, whether of law or fact, which arise under this Part of this

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Act and, subject to section 1(7) of the Scottish Land Court Act 1993 (c. 45) (referral of question of law to Inner House of the Court of Session), the decision of the Land Court in any case shall be final.

- (2) In section 1(7) of that Act of 1993, after the word “enactment” there is inserted “, or under Part 3 of the Land Reform (Scotland) Act 2003 (asp 2),”.
- (3) Paragraph 6(2) of Schedule 1 to that Act of 1993 (appeal against order or determination arrived at under a delegation of Land Court’s powers) does not apply in relation to any order made, or determination arrived at, in pursuance of a matter which arises under this Part of this Act.

**[<sup>F9</sup>97ZA Meaning of creditor in standard security with right to sell S**

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.]

**Textual Amendments**

**F9** S. 97ZA inserted (24.2.2021) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), **ss. 73**, 142(1); [S.S.I. 2020/448](#), **art. 2** (with **art. 3**)

**[<sup>F10</sup>97A Construction of certain references to “tenant” S**

In this Part, “tenant”, in any case where the reference is not to a tenant of a croft, includes sub-tenant (analogous expressions being construed accordingly).]

**Textual Amendments**

**F10** S. 97A inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 31(4)**, 43, (with **ss. 40**, 43(2)); [S.S.I. 2007/269](#), **art. 2**, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Chapter 5.