



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 3

#### THE CROFTING COMMUNITY RIGHT TO BUY

### CHAPTER 2

#### EXERCISE OF RIGHT TO BUY

#### **75 Ballot to indicate approval for purposes of section 74(1)(m)**

- (1) The crofting community, defined in pursuance of section 71 above in relation to the crofting community body which has applied to buy land or sporting interests, are to be taken for the purposes of section 74(1)(m) above as having approved a proposal to buy if—
- (a) a ballot of the members of the crofting community so defined has, during the period of six months which immediately preceded the date on which the application was made, been conducted by the crofting community body on the question whether the crofting community body should buy the land or sporting interests; and
  - (b) the majority of—
    - (i) those voting; and
    - (ii) the members of the crofting community so defined who voted and who are tenants of crofts within the land which the crofting community body has applied to buy or, as the case may be, within land over which the sporting interests which the crofting community body has applied to buy may be exercised,have voted in favour of the proposition that the crofting community body exercises its right to buy.
- (2) The ballot shall be conducted as prescribed; and the provisions prescribed shall include provision for the ascertainment and publication of the number of persons eligible to vote in the ballot, the number who did vote and the numbers of valid votes respectively cast for and against the proposition.

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*Status: This is the original version (as it was originally enacted).*

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- (3) If the ballot is not so conducted, the crofting community body's right to buy the land or sporting interests which are the subject of the body's application is, so far as proceeding on that application, extinguished.
- (4) The crofting community body which conducts a ballot shall, within 21 days of the ballot (or, if its application under section 73 above is given before the expiry of that period, together with the application) and in the prescribed form of return, notify—
- (a) the result;
  - (b) the number of persons eligible to vote;
  - (c) the number of those persons who are tenants of crofts within the land which the body proposes to buy;
  - (d) the number of persons who voted and the number of those persons who are such tenants; and
  - (e) the number of persons who voted in favour of the proposal to buy and the number of those persons who are such tenants,
- to Ministers.
- (5) Any person who, whether alone or in common with others—
- (a) has a right of pasture or grazing, or holds a common grazing, within the land which the crofting community body has applied to buy or, as the case may be, within land over which the sporting interests which the crofting community body has applied to buy may be exercised; or
  - (b) holds any part of that land runrig,
- is, for the purposes of this section, to be regarded as a tenant of a croft within the land which the body proposes to buy.