



Land Reform (Scotland) Act 2003

2003 asp 2

PART 3

THE CROFTING COMMUNITY RIGHT TO BUY

CHAPTER 2

EXERCISE OF RIGHT TO BUY

86 Completion of purchase

- (1) It is for the crofting community body to secure the expeditious exercise of its right to buy and, in particular—
 - (a) to prepare the documents necessary to—
 - (i) effect the transfer; [^{F1}to it of the land or sporting interests or as the case may be the assignation to it of the tenant's interest] and
 - (ii) impose any conditions (including any real burdens or servitudes) which Ministers, under section 80 above, require to be imposed upon the title to land; and
 - (b) in so doing, to ensure—
 - (i) that the subjects of the application to which Ministers have consented are the same as those to be transferred; [^{F2}or assigned] and
 - (ii) that the transfer [^{F3}or assignation] is to be effected in accordance with any other conditions imposed by Ministers under section 80 above.
- (2) Where the crofting community body is unable to fulfil the duty imposed by subsection (1)(b) above because part of the land or sporting interests in respect of which Ministers' consent was given is not owned by the person named as its owner or exercisable by the person named as the person entitled to them in the application under section 73 above, it shall refer that matter to Ministers.
- (3) On a reference under subsection (2) above, Ministers may direct—
 - (a) that the right to buy be exercised as if the part of the land or interests not owned or not exercisable by the owner or person entitled so named had never

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- been included in the description of the land or interests in the application to which they had consented; or
- (b) that the crofting community body's right to buy the land or interests which are the subject of the body's application is, so far as proceeding on that application, extinguished.
- (4) The owner of the land or person entitled to the [^{F4}sporting] interests being bought is obliged—
- (a) to make available to the crofting community body such deeds and other documents as are sufficient to enable the body to proceed to complete its title to the land or interests; and
- (b) to transfer title accordingly.
- (5) If, within 6 weeks of the date on which Ministers consent to an application to buy land or sporting interests, the owner of the land or person entitled to the [^{F5}sporting] interests refuses or fails to make those deeds and other documents available, or they cannot be found, the Land Court may, on the application of the crofting community body, order the owner or person entitled or any other person appearing to the Court to have those deeds and documents to produce them.
- (6) If the owner of the land or person entitled to the interests refuses or fails to effect such sufficient transfer as is mentioned in subsection (4) above, the Land Court may, on the application of the crofting community body, authorise its principal clerk to adjust, execute and deliver such deeds or other documents as will complete such transfer to the like force and effect as if done by the owner or person entitled.
- [^{F6}(7) In relation to an application made by virtue of section 69A(2) above, the tenant is obliged to make available to the crofting community body such deeds and other documents as are sufficient to enable the body to complete its acquisition of the tenant's interest and the tenant is obliged to effect the assignation of his interest accordingly.
- (8) If, within 6 weeks after the date on which Ministers consent to an application made by virtue of section 69A(2) above the tenant refuses or fails to make those deeds and other documents available, or they cannot be found, the Land Court may, on the application of the crofting community body, order the tenant or any other person appearing to the Court to have those deeds and documents to produce them.
- (9) If the tenant refuses or fails to effect the assignation of the tenant's interest in accordance with subsection (7) above, the Land Court may, on the application of the crofting community body, authorise its principal clerk to adjust, execute and deliver such deeds or other documents as will complete the assignation to the like force and effect as if done by the tenant.]

Textual Amendments

- F1** Words in s. 86(1)(a)(i) added (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 39, 43, [Sch. 1 para. 5\(10\)\(a\)\(i\)](#) (with ss. 40, 43(2)); S.S.I. 2007/269, [art. 2](#), Sch.
- F2** Words in s. 86(1)(b)(i) added (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 39, 43, [Sch. 1 para. 5\(10\)\(a\)\(ii\)](#) (with ss. 40, 43(2)); S.S.I. 2007/269, [art. 2](#), Sch.
- F3** Words in s. 86(1)(b)(ii) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 39, 43, [Sch. 1 para. 5\(10\)\(a\)\(iii\)](#) (with ss. 40, 43(2)); S.S.I. 2007/269, [art. 2](#), Sch.
- F4** Words in s. 86(4) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 39, 43, [Sch. 1 para. 5\(10\)\(b\)](#) (with ss. 40, 43(2)); S.S.I. 2007/269, [art. 2](#), Sch.

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- F5** Words in S. 86(5) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(10)(c)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F6** Words in S. 86(7)-(9) added (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(10)(d)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.

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