



# Community Empowerment (Scotland) Act 2015

2015 asp 6

## PART 4

### COMMUNITY RIGHTS TO BUY LAND

#### *Modifications of Part 3 of Land Reform (Scotland) Act 2003*

#### **62 Crofting community bodies**

(1) Section 71 of the 2003 Act (crofting community bodies) is amended as follows.

(2) Before subsection (1), insert—

“(A1) A crofting community body is, subject to subsection (4)—

- (a) a body falling within subsection (1), (1A) or (1B), or
- (b) a body of such other description as may be prescribed which complies with prescribed requirements.”.

(3) In subsection (1)—

- (a) for the words “crofting community body is, subject to subsection (4) below,” substitute “ body falls within this subsection if it is ”,
- (b) in paragraph (b), after “land”, insert “ , the interest mentioned in section 69A(3) ”,
- (c) in paragraph (c), for “20”, substitute “ 10 ”,
- (d) for paragraph (d), substitute—
  - “(d) provision that at least three quarters of the members of the company are members of the crofting community,”,
- (e) in paragraph (f), the words “and the auditing of its accounts” are repealed, and
- (f) in paragraph (h)—
  - (i) after “land”, insert “ , interest in land ”, and
  - (ii) in sub-paragraph (i), for the words “or community body”, substitute “ , community body or Part 3A community body (as defined in section 97D) ”.

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**Changes to legislation:** *There are currently no known outstanding effects for the Community Empowerment (Scotland) Act 2015, Section 62. (See end of Document for details)*

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(4) After subsection (1), insert—

“(1A) A body falls within this subsection if it is a Scottish charitable incorporated organisation (a “SCIO”) the constitution of which includes the following—

- (a) a definition of the crofting community to which the SCIO relates,
- (b) provision enabling the SCIO to exercise the right to buy land, the interest mentioned in section 69A(3) and sporting interests under this Part,
- (c) provision that the SCIO must have not fewer than 10 members,
- (d) provision that at least three quarters of the members of the SCIO are members of the crofting community,
- (e) provision under which the members of the SCIO who consist of members of the crofting community have control of the SCIO,
- (f) provision ensuring proper arrangements for the financial management of the SCIO,
- (g) provision that, on the request of any person for a copy of the minutes of a meeting of the SCIO, the SCIO must, if the request is reasonable, give the person within 28 days of the request a copy of those minutes,
- (h) provision that, where a request of the type mentioned in paragraph (g) is made, the SCIO—
  - (i) may withhold information contained in the minutes, and
  - (ii) if it does so, must inform the person requesting a copy of the minutes of its reasons for doing so, and
- (i) provision that any surplus funds or assets of the SCIO are to be applied for the benefit of the crofting community.

(1B) A body falls within this subsection if it is a community benefit society the registered rules of which include the following—

- (a) a definition of the crofting community to which the society relates,
- (b) provision enabling the society to exercise the right to buy land, the interest mentioned in section 69A(3) and sporting interests under this Part,
- (c) provision that the society must have not fewer than 10 members,
- (d) provision that at least three quarters of the members of the society are members of the crofting community,
- (e) provision under which the members of the society who consist of members of the crofting community have control of the society,
- (f) provision ensuring proper arrangements for the financial management of the society,
- (g) provision that, on the request of any person for a copy of the minutes of a meeting of the society, the society must, if the request is reasonable, give the person within 28 days of the request a copy of those minutes,
- (h) provision that, where a request of the type mentioned in paragraph (g) is made, the society—
  - (i) may withhold information contained in the minutes, and
  - (ii) if it does so, must inform the person requesting a copy of the minutes of its reasons for doing so, and

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- (i) provision that any surplus funds or assets of the society are to be applied for the benefit of the crofting community.”
- (5) In subsection (2), after “(1)(c)”, insert “, (1A)(c) or (1B)(c) ”.
- (6) After subsection (4), insert—
- “(4A) Ministers may by regulations from time to time amend subsections (1), (1A) and (1B).
  - (4B) If provision is made under subsection (A1)(b), Ministers may by regulations make such amendment of section 72(1) in consequence of that provision as they consider necessary or expedient.”
- (7) In subsection (5)—
- (a) after “(1)(a)”, insert “, (1A)(a) or (1B)(a) ”, and
  - (b) in paragraph (a)—
    - (i) in sub-paragraph (i), after “Act”, insert “ and who are entitled to vote in local government elections in the polling district or districts in which that township is situated ”,
    - (ii) the word “or” immediately following sub-paragraph (i) is repealed, and
    - (iii) in sub-paragraph (ii), for the words from “being” to the end of the paragraph, substitute—
      - “(ii) are tenants of crofts in the crofting township whose names are entered in the Crofting Register, or the Register of Crofts, as the tenants of such crofts;
      - (iii) are owner-occupier crofters of owner-occupied crofts in the crofting township whose names are entered in the Crofting Register as the owner-occupier crofters of such crofts; or
      - (iv) are such other persons, or are persons falling within a class of such other persons, as may be prescribed;”.
- (8) In subsection (6)—
- (a) for “(5)(a)(i)”, substitute “ (5)(a) ”,
  - (b) after “above”, insert “ — ”, and
  - (c) at the end, insert—
    - ““owner-occupied croft” has the meaning given by section 19B(5) of the Crofters (Scotland) Act 1993,
    - “owner-occupier crofter” is to be construed in accordance with section 19B of that Act.”.
- (9) In subsection (8)—
- (a) after “section”, insert “ — ”, and
  - (b) at the end, insert—
    - ““community benefit society” means a registered society (within the meaning of section 1 of the Co-operative and Community Benefit

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Societies Act 2014) registered as a community benefit society under section 2 of that Act,

“registered rules” has the meaning given by section 149 of that Act (as that meaning applies in relation to community benefit societies),

“Scottish charitable incorporated organisation” has the meaning given by section 49 of the Charities and Trustee Investment (Scotland) Act 2005.”.

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**Commencement Information**

- I1** S. 62 in force at 16.12.2016 for specified purposes by S.S.I. 2016/394, art. 2, sch.
- I2** S. 62 in force at 24.2.2021 in so far as not already in force by S.S.I. 2020/448, art. 2 (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Community Empowerment (Scotland) Act 2015, Section 62.