

2004 No. 225

LAND REFORM

**The Crofting Community Right to Buy (Grant Towards
Compensation Liability) (Scotland) Regulations 2004**

<i>Made</i> - - - -	<i>18th May 2004</i>
<i>Laid before the Scottish Parliament</i>	<i>21st May 2004</i>
<i>Coming into force</i> - -	<i>15th June 2004</i>

The Scottish Ministers in exercise of the powers conferred by section 90(6) of the Land Reform (Scotland) Act 2003(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Crofting Community Right to Buy (Grant Towards Compensation Liability) (Scotland) Regulations 2004 and shall come into force on 15th June 2004.

(2) In these Regulations—

“the Act” means the Land Reform (Scotland) Act 2003;

“the claimant” means any of the persons specified in section 89(1) of the Act.

2. An application for a grant made under section 90 of the Act shall be submitted to Ministers, with the information and documents specified in the Schedule to these Regulations, by the crofting community body which is liable to pay compensation under section 89(1) of the Act.

3. An application for a grant under regulation 2 shall be submitted within 90 days of—

- (a) the date on which the crofting community body and the claimant agreed the amount of compensation payable; or
- (b) the date on which the Land Court determined under section 89(5) of the Act the amount of compensation payable,

whichever date is the earlier.

(a) 2003 asp 2. Section 98(1) of the Act contains the definitions of “Ministers” and “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

4. Ministers shall issue their decision on an application for a grant under section 90 of the Act within 21 days of the date of its receipt.

St Andrew's House,
Edinburgh
18th May 2004

ALLAN WILSON
Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 2

1. An application for a grant shall include the following information:–
 - (a) the name of the Crofting Community Body (“CCB”) and its company number;
 - (b) the names and addresses of the Directors, Secretary and Treasurer of the CCB;
 - (c) the name and address of the person(s) seeking compensation from the CCB;
 - (d) details of the compensation sought from the CCB;
 - (e) details of the amount of grant sought by the CCB;
 - (f) details of the account into which any grant is to be paid; and
 - (g) details of other attempts to secure funding to pay the compensation.
2. An application for a grant shall be accompanied by the following documents:–
 - (a) a statement signed by a Director and Secretary of the CCB certifying the details given in the application and undertaking that grant provided will be used only in respect of compensation sought under section 89(1);
 - (b) if the purchase was not completed, by a statement signed by a Director and Secretary of the CCB advising the reasons for this;
 - (c) a financial statement prepared by a professional accountant certifying details of the finances of the CCB and signed by that accountant and the Treasurer of the CCB; and
 - (d) copies of relevant correspondence between the CCB and the person(s) seeking compensation.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the procedure to be followed by a crofting community body when it wishes to apply to Scottish Ministers for a grant under section 90 of the Land Reform (Scotland) Act 2003 (“the Act”). Such a grant may be applied for when a crofting community body is liable to pay compensation under section 89 of the Act to any person, including the owner, or former owner of land or sporting interests, and that body has been unable to obtain enough money to pay, or to pay in full, the compensation. If the Scottish Ministers consider that the crofting community body has taken all reasonable steps to raise money from other sources and have failed to obtain sufficient money, and that it is in the public interest to pay a grant, they may do so.

Regulation 2 provides that it is the crofting community body which must apply to the Scottish Ministers for a grant, and regulation 3 prescribes the time limits for making an application. Regulation 4 provides that the Scottish Ministers must make a decision on an application for a grant within 21 days of its receipt.

The Schedule to the Regulations specifies the information which must be supplied by the crofting community body when making an application for a grant.

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