



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 3

#### THE CROFTING COMMUNITY RIGHT TO BUY

### CHAPTER 2

#### EXERCISE OF RIGHT TO BUY

#### **79 Additional land included at request of owner**

- (1) Where the owner of eligible croft land or eligible additional land has, within the time limit for submitting views in pursuance of section 73 above, requested that eligible additional land or, as the case may be, further eligible additional land be included with the land to be bought under this Part of this Act, Ministers may, if they consider that it is in the public interest to do so, make it a condition of their proceeding to consider the application by the crofting community body that the body modifies its application so as to include in the land to be bought that eligible additional land as further such land.
- (2) Ministers—
  - (a) may; and
  - (b) on being so required by the owner of land who has made such a request or the crofting community body in relation to whose application the condition referred to in subsection (1) above has been imposed, shall, refer to the Land Court for its findings in fact in respect of any matter relating to the question of whether the additional land or further additional land should be included with the land to be bought.
- (3) In considering any question referred to it under subsection (2) above, the Land Court may have regard to any representations made to it by—
  - (a) the applicant crofting community body;
  - (b) the owner of the land which is the subject of the application; or
  - (c) any other person who, in the opinion of the Land Court, appears to have an interest.

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*Status: This is the original version (as it was originally enacted).*

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- (4) On a reference under subsection (2) above, the Land Court shall report its findings in fact to Ministers.
- (5) Where a referral is made to the Land Court under subsection (2) above, Ministers shall not consent to the application to which the referral relates before they have—
  - (a) received the Land Court's report of its findings in fact; and
  - (b) taken those findings into account when considering or further considering the application.