



Land Reform (Scotland) Act 2003

2003 asp 2

PART 3

THE CROFTING COMMUNITY RIGHT TO BUY

CHAPTER 2

EXERCISE OF RIGHT TO BUY

81 Reference to Land Court of questions on applications

(1) At any time before Ministers reach a decision on an application which has been made under section 73 above—

- (a) Ministers;
- (b) any person who is a member of the crofting community defined in relation to the applicant crofting community body in pursuance of section 71 above;
- [^{F1}(ba) the owner of the land which is the subject of the application,
- (bb) the person entitled to any sporting interests which are the subject of the application,]
- (c) any person who has any interest in the land or sporting interests which are the subject of the application giving rise to a right which is legally enforceable by that person;
- [^{F2}(ca) where the subject of the application is a tenant's interest [^{F3}—
 - (i) the tenant; and
 - (ii) any person who has an interest in the lease, being an interest giving rise to a right which is legally enforceable by that person;]or
- (d) any person who is invited, under section 73(8)(a) above, to send views to Ministers on the application,

may refer to the Land Court any question (other than a question which Ministers may, or may be required to, refer under section 77(1) or 79(2) above) relating to the application.

(2) In considering any question referred to it under subsection (1) above, the Land Court may have regard to any representations made to it by—

*Changes to legislation: There are currently no known outstanding effects for the
Land Reform (Scotland) Act 2003, Section 81. (See end of Document for details)*

- (a) the applicant crofting community body;
 - (b) the owner of the land which is, or person entitled to the sporting interests which are, the subject of the application;
 - [^{F4}(ba) the tenant whose interest is the subject of the application;] or
 - (c) any other person who, in the opinion of the Land Court, appears to have an interest.
- (3) The Land Court—
- (a) shall advise Ministers of its finding on any question so referred; and
 - (b) may, by order, provide that Ministers may consent to the application only if they impose, under section 80 above, such conditions as the Court may specify.
- (4) If the Land Court considers any question referred to it under this section to be irrelevant to Ministers' decision on the application to which it relates, it may decide to give no further consideration to the question and find accordingly.

Textual Amendments

- F1** S. 81(1)(ba)(bb) inserted (24.2.2021) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), **ss. 68(a), 142(1)**; [S.S.I. 2020/448](#), **art. 2** (with art. 3)
- F2** S. 81(1)(ca) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 39, 43, Sch. 1 para. 5(7)(a)** (with **ss. 40, 43(2)**); [S.S.I. 2007/269](#), **art. 2**, **Sch.**
- F3** Words in s. 81(1)(ca) inserted (24.2.2021) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), **ss. 68(b), 142(1)**; [S.S.I. 2020/448](#), **art. 2** (with art. 3)
- F4** S. 81(2)(ba) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 39, 43, Sch. 1 para. 5(7)(b)** (with **ss. 40, 43(2)**); [S.S.I. 2007/269](#), **art. 2**, **Sch.**

Changes to legislation:

There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 81.