



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 3

#### THE CROFTING COMMUNITY RIGHT TO BUY

### CHAPTER 3

#### VALUATION OF CROFT LAND

#### 89 Compensation

- (1) Any person, including an owner or former owner of land or person entitled to sporting interests [<sup>F1</sup>(and in the case of an application made by virtue of section 69A(2) above a tenant)], who has incurred loss or expense—
- in complying with the requirements of this Part of this Act following upon the making of an application under section 73 above by a crofting community body;
  - as a result of the withdrawal by the crofting community body of its confirmation under section 85 above or its failure otherwise to complete the purchase after having so confirmed its intention under that section; or
  - as a result of the failure of the crofting community body which made that application to complete the purchase,
- is entitled to recover the amount of that loss or expense from the crofting community body.
- (2) There is no such entitlement, however, where the application under section 73 above is refused.
- (3) Where such an application has been refused, the owner of the land [<sup>F2</sup>, the tenant or the person entitled to the sporting] interests who has incurred loss or expense as mentioned in subsection (1)(a) above is entitled to recover the amount of that loss or expense from Ministers.
- [<sup>F3</sup>(4) Ministers may, by order, make provision for or in connection with specifying—
- amounts payable in respect of loss or expense incurred as mentioned in subsection (1),

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*Changes to legislation: There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 89. (See end of Document for details)*

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- (b) amounts payable in respect of loss or expense incurred by virtue of this Part by a person of such other description as may be specified,
  - (c) the person who is liable to pay those amounts,
  - (d) the procedure under which claims for compensation under this section are to be made.]
- (5) Where, at the expiry of such period of time as may be fixed for the purposes of this subsection by an order under subsection (4) above, any question as to whether compensation is payable or as to the amount of any compensation payable has not been settled as between the parties, either of them may refer the question to the Land Court.

#### **Textual Amendments**

- F1** Words in s. 89(1) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 39, 43, **Sch. 1 para. 5(13)(a)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F2** Words in s. 89(3) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 39, 43, **Sch. 1 para. 5(13)(b)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F3** S. 89(4) substituted (16.12.2016 for specified purposes, 24.2.2021 in so far as not already in force) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), **ss. 70, 142(1)**; S.S.I. 2016/394, **art. 2**, sch.; S.S.I. 2020/448, **art. 2** (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 89.