



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 3

#### THE CROFTING COMMUNITY RIGHT TO BUY

### CHAPTER 4

#### APPEALS

#### 92 Appeals to Land Court: valuation

- (1) The owner of land or [<sup>F1</sup>as the case may be the tenant or the] person entitled to the sporting interests the value of which has been assessed under section 88 above and the crofting community body which is exercising its right to buy the land [<sup>F2</sup>, tenant's interest or sporting] interests may appeal to the Land Court against the valuation [<sup>F3</sup>; and if the valuer has made a determination under section 88A(1) above the tenant and that body may so appeal against the determination.].
- (2) An appeal under this section shall state the grounds on which it is being made and shall be lodged within 21 days of the date of notification under section 88(12) above.
- (3) In an appeal under this section, the Land Court may reassess the value of the land or [<sup>F4</sup>as the case may be of the tenant's interest or the sporting interests and may substitute its own determination for any determination under section 88A(1) above.].
- (4) The valuer whose valuation [<sup>F5</sup>or determination] is appealed against may be a witness in the appeal proceedings.
- (5) The Land Court shall give reasons for its decision on an appeal under this section and shall issue a written statement of these reasons [<sup>F6</sup>—
  - (a) within 8 weeks of the hearing of the appeal, or
  - (b) where subsection (5A) applies, by such later date referred to in paragraph (b) (ii) of that subsection.].

[<sup>F7</sup>(5A) This subsection applies where—

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*Changes to legislation: There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 92. (See end of Document for details)*

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- (a) the Land Court considers that it is not reasonable to issue a written statement mentioned in subsection (5) by the time limit specified in paragraph (a) of that subsection, and
  - (b) before the expiry of that time limit, the Land Court has notified the parties to the appeal—
    - (i) that the Land Court is unable to issue a written statement by that time limit, and
    - (ii) of the date by which the Land Court will issue such a written statement.]
- (6) The validity of anything done under this Part of this Act is not affected by any failure of the Land Court [<sup>F8</sup>—
- (a) to comply with the time limit specified in paragraph (a) of subsection (5) above, or
  - (b) to issue a written statement by the date referred to in paragraph (b) of that subsection.]
- [<sup>F9</sup>(6A) Where the owner of land, the tenant, the person entitled to the sporting interests or the crofting community body appeals under this section, the owner, tenant, person so entitled or, as the case may be, crofting community body must, within 7 days of the date on which the appeal is made, notify Ministers in writing of—
- (a) the making of the appeal, and
  - (b) the date of the making of the appeal.
- (6B) The Land Court must send a copy of the written statement of reasons issued under subsection (5) to Ministers.
- (6C) Failure to comply with subsection (6A) or (6B) has no effect on—
- (a) the crofting community body's right to buy the land, the tenant's interest or the sporting interests, or
  - (b) the validity of the appeal under this section.]
- (7) Ministers are not competent parties to any appeal under this section by reason only that they appointed the valuer whose valuation [<sup>F10</sup>or determination] is the subject of the appeal.

#### Textual Amendments

- F1** Words in s. 92(1) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(16)(a)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F2** Words in s. 92(1) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(16)(a)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F3** Words in s. 92(1) added (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(16)(a)(iii)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F4** Words in s. 92(3) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(16)(b)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F5** Words in s. 92(4) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(16)(c)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F6** S. 92(5)(a)(b) substituted for words (24.2.2021) by Community Empowerment (Scotland) Act 2015 (asp 6), **ss. 71(a)**, 142(1); S.S.I. 2020/448, art. 2 (with art. 3)
- F7** S. 92(5A) inserted (24.2.2021) by Community Empowerment (Scotland) Act 2015 (asp 6), **ss. 71(b)**, 142(1); S.S.I. 2020/448, art. 2 (with art. 3)

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**Changes to legislation:** There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 92. (See end of Document for details)

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- F8** Words in s. 92(6) substituted (24.2.2021) by Community Empowerment (Scotland) Act 2015 (asp 6), **ss. 71(c)**, 142(1); S.S.I. 2020/448, art. 2 (with art. 3)
- F9** S. 92(6A)-(6C) inserted (24.2.2021) by Community Empowerment (Scotland) Act 2015 (asp 6), **ss. 71(d)**, 142(1); S.S.I. 2020/448, art. 2 (with art. 3)
- F10** Words in s. 92(7) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(16)(c)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.

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