



Land Reform (Scotland) Act 2003

2003 asp 2

PART 3

THE CROFTING COMMUNITY RIGHT TO BUY

CHAPTER 2

EXERCISE OF RIGHT TO BUY

87 Completion of transfer

- (1) The consideration for the transfer of the land or sporting interests [^{F1}or for the assignation of the tenant's interest] shall be its or their value as assessed under section 88 below.
- (2) That consideration shall, subject to subsections (3) and (4) below, be paid not later than the “final settlement date”, being the date on which expires a 6 month period beginning with the date (the “consent date”) when Ministers consented to the application under section 73 above to buy the land [^{F2}, the tenant's interest or the sporting] interests.
- (3) Where—
 - (a) [^{F3}the crofting community body and, as the case may be, the owner, the tenant or the person entitled to the sporting interests] so agree, the consideration may be paid on a date later than the final settlement date;
 - (b) the assessment of the valuation of the land [^{F4}, the tenant's right or the sporting] interests under section 88 below has not been completed by a date 4 months after the consent date, the consideration shall be paid not later than 2 months after the date when that assessment is completed;
 - (c) that valuation is the subject of an appeal which has not been determined within 4 months of the consent date, the consideration shall be paid not later than 2 months after the date of that determination.
- (4) Where, on the date the consideration is to be paid, the owner or person entitled to the interests is not able to effect the grant of a good and marketable title to the crofting community body [^{F5}or as the case may be the tenant is not able to assign his interest to that body]—

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- (a) the consideration; or
 - (b) if, for any reason, the consideration has not been ascertained, such sum as may be fixed by the valuer appointed under section 88(1) below as a fair estimate of what the consideration might be,
- shall be consigned into the Land Court until that title is granted [^{F6}or assignment is effected] or the crofting community body gives notice to the Court of its decision not to proceed to complete the transaction.
- (5) Where the consideration remains unpaid after the date not later than which it is to be paid, the crofting community body's application under section 73 above in relation to the land [^{F7}, the tenant's interest or the sporting] interests shall be treated as withdrawn.
- (6) Any heritable security which burdened the land [^{F8} or tenant's interest immediately before—
- (a) title is granted to the crofting community body; or
 - (b) the tenant's interest is assigned to that body,
- in pursuance of this section shall, on the recording of that title or assignment] in the Register of Sasines or registration in the Land Register of Scotland of the body's interest in the land, cease to do so.
- (7) Where such a security also burdens land other than the land in respect of which title is granted to the crofting community body, the security shall not, by virtue of subsection (6) above, cease to burden that other land.
- [^{F9}(7A) Where such a security also burdens a tenant's interest other than the tenant's interest assigned to the crofting community body, the security shall not, by virtue of subsection (6) above, cease to burden that other interest.]
- (8) Unless the creditors in right of any such security otherwise agree, the crofting community body shall pay to them according to their respective rights and preferences any sum which would, but for this subsection, be paid to the owner [^{F10}, or as the case may be to the tenant,] by the crofting community body as consideration for the land [^{F11}, tenant's interest or sporting] interests.
- (9) Any sum paid by a crofting community body under subsection (8) above shall be deducted from the sum which the body is to pay to the owner as consideration for the land [^{F12} or as the case may be to the tenant as consideration for the interest of the tenant over the land].

Textual Amendments

- F1** Words in s. 87(1) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 39, 43, [Sch. 1 para. 5\(11\)\(a\)](#) (with ss. 40, 43(2)); S.S.I. 2007/269, [art. 2](#), Sch.
- F2** Word in s. 87(2) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 39, 43, [Sch. 1 para. 5\(11\)\(b\)](#) (with ss. 40, 43(2)); S.S.I. 2007/269, [art. 2](#), Sch.
- F3** Words in s. 87(3)(a) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 39, 43, [Sch. 1 para. 5\(11\)\(c\)\(i\)](#) (with ss. 40, 43(2)); S.S.I. 2007/269, [art. 2](#), Sch.
- F4** Word in s. 87(3)(b) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 39, 43, [Sch. 1 para. 5\(11\)\(c\)\(ii\)](#) (with ss. 40, 43(2)); S.S.I. 2007/269, [art. 2](#), Sch.
- F5** Words in s. 87(4) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 39, 43, [Sch. 1 para. 5\(11\)\(d\)](#) (with ss. 40, 43(2)); S.S.I. 2007/269, [art. 2](#), Sch.
- F6** Words in s. 87(4) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 39, 43, [Sch. 1 para. 5\(11\)\(d\)](#) (with ss. 40, 43(2)); S.S.I. 2007/269, [art. 2](#), Sch.

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- F7** Words in s. 87(5) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(11)(e)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F8** Words in s. 87(6) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(11)(f)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F9** S. 87(7A) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(11)(g)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F10** Words in s. 87(8) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(11)(h)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F11** Words in s. 87(8) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(11)(h)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.
- F12** Words in s. 87(9) added (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 39, 43, **Sch. 1 para. 5(11)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, **art. 2**, Sch.

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