

SCHEDULE 2

Regulation 3

NOTICE UNDER SECTION 82 OF THE LAND REFORM (SCOTLAND) ACT 2003 OF SCOTTISH MINISTERS DECISION ON AN APPLICATION TO PURCHASE BY A CROFTING COMMUNITY BODY

1. Name of crofting community body.
2. Description of land or sporting interests which are the subject of the application.
3. Decision on application and date from which it is effective (**See Notes 1 to 5**).
4. Any conditions attaching to consent if application is approved.
5. Reasons for decision.

NOTES

1. If the transfer is not completed within 6 months, or within 2 months of the price being fixed, the application is treated as being withdrawn.

2. A decision of the Scottish Ministers to consent to an application may be appealed by summary application to the Sheriff by the following persons—

- (a) any person who is a member of the crofting community defined in relation to the applicant crofting community in pursuance of section 71 of the Act;
- (b) the owner of or, as the case may be, person entitled to the subjects of the application;
- (c) any other person who has any interest in the land or sporting interests giving rise to a right which is legally enforceable by that person;
- (d) the owners of all land contiguous to land which consists of the subjects of the application;
- (e) the Crofters Commission; and
- (f) any other person whom Scottish Ministers considered to have an interest in the application under section 73(8)(a) of the Act.

3. A decision of the Scottish Ministers to refuse an application may be appealed by summary application to the Sheriff by the applicant crofting community body.

4. A decision of the Scottish Ministers to consent to an application has the following consequences—

- (a) Scottish Ministers will within 7 days appoint a valuer of the croft land to be acquired;
- (b) the owner of the croft land is required to make available to the crofting community body the title deeds of the land to be acquired within 6 weeks of the consent by Scottish Ministers;
- (c) in the event that the application proposed that there could be a leaseback of the sporting interests to the owner, the current owner has notified Ministers that he wishes a lease back and Ministers have not been provided with a copy of an agreement on the terms and conditions of the lease then, within 7 days, Ministers will refer the question of what terms and conditions are appropriate to the Land Court so that the Court may determine these terms and conditions;
- (d) any rights of pre-emption, redemption or reversion or deriving from any option to purchase are suspended as from the date of Ministers' approval and are revived either when the transfer of the land is completed, or if such a transfer is not completed because the crofting community body does not proceed with the purchase.

5. A copy of the Scottish Ministers decision—

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- (a) will be lodged in the Register of Crofting Community Rights to Buy to be held by the Crofters Commission and will be available for public inspection;
- (b) will be sent to—
 - (i) the owner of the land, or as the case may be, the person entitled to the sporting interest to which the application relates;
 - (ii) every other person whom Ministers invited to give views on the application;
 - (iii) in the case of a decision to consent to the application to the Keeper of the Registers of Scotland.