SCOTTISH STATUTORY INSTRUMENTS

2004 No. 227

The Crofting Community Right to Buy (Ballot) (Scotland) Regulations 2004

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Crofting Community Right to Buy (Ballot) (Scotland) Regulations 2004 and shall come into force on 15th June 2004.

(2) In these Regulations–

"the Act" means the Land Reform (Scotland) Act 2003; and

"crofting community body" means a body of the type defined in section 71 of the Act.

Conduct of Ballot

2. The ballot shall be a secret ballot and shall be conducted in a fair and reasonable manner.

3. The crofting community body shall ascertain–

(a) from the voters roll the number of eligible voters in the crofting community as defined for the purposes of section 71(1)(a) of the Act; and

(b) eligible voters who are tenants of crofts within the land which the crofting community body has applied to buy, or as the case may be, within land over which the sporting interests which the crofting community body has applied to buy may be exercised.

4.—(1) Subject to regulation 5 the date and place on which the ballot will be held shall be notified in writing to all eligible voters, and there shall be a period of not less than 10 days from the date on which such intimation is made to the date on which the ballot is to be held.

(2) The notice referred to in paragraph (1) shall set forth the question on which the eligible voters shall vote, and shall include a description of the eligible croft land and any eligible sporting interests to which the question pertains.

5. If the crofting community body wishes to hold a postal ballot each eligible voter shall be sent a ballot paper with the question on which the vote is to be taken and the date and time, being not less than 10 days from the date of posting, on which the paper must be returned. Each voter shall be provided with a stamped addressed envelope for returning the completed ballot paper.

Proxy Votes

6. In the event of any eligible voter being unable for good cause to exercise his right to vote either at the ballot or in the postal ballot held by virtue of regulations 4 and 5 respectively the crofting community body may permit a proxy to vote for that person. The crofting community body must retain a record of any proxy authorisations, and the proposed use of a proxy must be notified in writing by the eligible voter to the crofting community body prior to the ballot.

Ballot results

7.—(1) Within 14 days of the holding of the ballot, or in the case of a postal ballot, within 14 days from the date specified for the return of the ballot papers, the crofting community body shall publish in a newspaper circulating in the vicinity of the community–

(a) the number of persons eligible to vote in the ballot;

(b) the number of persons eligible to vote who voted; and

(c) the number of votes cast for and against the question.

(2) Within 21 days of the ballot, or if the application to exercise the right to buy is made sooner, with the application, the crofting community body shall return to Ministers in, or as near as may be in, the form specified in the Schedule to these Regulations the information detailed therein.

(3) Ministers may within a period of 7 days after the return of the ballot result request from the crofting community body such additional information pertaining to the ballot as they may require, and the crofting community body shall supply such information within a further period of 7 days from the date of the request being made.

Retention of Ballot papers etc

8. The crofting community body shall retain–

(a) all completed voting papers;

(b) in the case of a postal ballot evidence of sending the ballot papers; and

for a period of 2 years after the date of the ballot, and these papers and evidence shall be available, on request, for inspection by members of the crofting community, Ministers and any other person with a right of appeal under section 91 of the Act.

St Andrew's House, Edinburgh
18th May 2004

ALLAN WILSON
Authorised to sign by the Scottish Ministers