
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the requirements on a crofting community body which is holding a ballot under section 75 of the Land Reform (Scotland) Act 2003 on the question of whether to proceed with a land purchase.

Regulation 2 provides that there be a secret ballot and that it should be conducted in a fair and reasonable manner. Under regulation 3 the crofting community body is required to ascertain from the voters roll who is eligible to vote in the ballot, and in addition to identify tenants of crofts who are eligible voters. Regulations 4 and 5 give the crofting community body the option of holding an ordinary ballot or a postal ballot, and regulation 6 permits proxy votes in certain circumstances.

Regulation 7 requires the crofting community body to publish the result of the ballot in a newspaper circulating in the vicinity, and also to notify Scottish Ministers of the result and the other information requested in the Schedule to the Regulations. Scottish Ministers are empowered to call for additional information pertaining to the ballot from the community body. Regulation 8 provides for the retention by the crofting community body of the ballot papers; where a postal ballot has been held, evidence of the sending of the ballot papers; and any proxy authorisations and notifications of intention to use a proxy for a period of 2 years. That regulation also permits Scottish Ministers and specified persons to inspect the documents retained.