
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 451

**The Crofting Community Right to Buy (Procedure,
Ballots and Forms) (Scotland) Regulations 2020**

PART 3

Ballot for the purposes of sections 74 and 75 of the Act

Conduct of ballot

6.—(1) The ballot for the purposes of section 74 and 75 of the Act must be conducted—

- (a) in a fair and reasonable manner, and
- (b) as a secret postal ballot.

(2) The crofting community body must ascertain the persons eligible to vote in the ballot, those persons being members of the community as defined for the purposes of section 71(1)(a), (1A)(a) or (1B)(a) of the Act.

(3) The crofting community body must send, to each person eligible to vote, a ballot paper indicating—

- (a) the question on which the vote is being taken,
- (b) the date and time, being not less than 10 days after the date of posting of the ballot paper to the person, by which the ballot paper must be returned (“ballot deadline”), and
- (c) the information specified in paragraph (4).

(4) The crofting community body must send to each person eligible to vote—

- (a) a description of—
 - (i) the land that is subject to an application under section 73(2) of the Act,
 - (ii) the land to which a tenant’s interest that is subject to an application under section 73(2) of the Act relates, or
 - (iii) the land over which the sporting interests that are subject to an application under section 73(2) of the Act relate,
- (b) details of any rights or interests in respect of any owner, creditor or third party and, where the ballot is in respect of the proposed purchase of a tenant’s interest, the tenant,
- (c) a description of the crofting community body’s proposals for the land or, where the application is in respect of a tenant’s interest or sporting interests, the land to which the tenant’s interest or sporting interests relates, as the case may be,
- (d) details of how further information may be obtained on the crofting community body’s proposals for the land, or where the application is in respect of a tenant’s interest or sporting interests, the land to which the tenant’s interest or sporting interests relates, as the case may be, and other matters relating to the ballot,

- (e) the name of the crofting community body as it appears in the crofting community body's memorandum and articles of association (or as adopted by a resolution of its members), constitution or registered rules, and
 - (f) the crofting community body's contact details including a contact name, postal address, email address and telephone number.
- (5) The crofting community body must provide each person eligible to vote with a stamped addressed envelope for returning the completed ballot paper.

Proxy votes

7.—(1) A person eligible to vote in the ballot may make a request to the crofting community body to be permitted a proxy vote.

- (2) The request under paragraph (1) must be made in writing and must—
 - (a) state the name and address of the eligible voter,
 - (b) state the name and address of another person who is eligible to vote whom the eligible voter wishes to appoint as a proxy voter,
 - (c) be signed by the eligible voter who is appointing the proxy voter,
 - (d) contain a statement confirming that the eligible voter has consulted the proxy and that the proxy is capable and willing to act as a proxy voter, and
 - (e) be received by the crofting community body not later than 1700 hours on the day before the ballot deadline.

(3) The crofting community body must permit the proxy vote if the request is made in accordance with this regulation.

Observer of ballot result

8.—(1) Before sending the ballot papers in accordance with regulation 6(3), the crofting community body must appoint an observer to oversee, in person—

- (a) the opening and counting of the votes made on the completed ballot papers, and
 - (b) the recording of the result.
- (2) The observer must—
- (a) be an individual who is independent of the crofting community body, and
 - (b) sign a declaration in the form specified in schedule 4 confirming that the person oversaw, in person, the opening and counting of the votes made on the completed ballot papers and the recording of the ballot result.

Ballot results

9.—(1) The crofting community body must, within the period of 14 days beginning on the date of the ballot deadline, publish the result of the ballot in the form and manner provided for in paragraphs (2) and (3).

- (2) The result of the ballot must—
 - (a) be published in the form specified in schedule 3, and
 - (b) include or be accompanied by information where specified in that schedule.
- (3) The result of the ballot must be published—
 - (a) in a digital or paper edition of a newspaper circulating in the area where the community is located, and

- (b) on any publicly accessible webpage or website that is operated by or on behalf of the crofting community body, if such a webpage or website exists.

Form of return to the Scottish Ministers of the ballot result

10. For the purposes of section 75(4) of the Act, a return to the Scottish Ministers notifying the matters mentioned in that section must be in the form specified in schedule 4.

Retention of ballot papers etc.

11.—(1) The crofting community body must retain the information specified in paragraph (2) for a period of 2 years after the ballot deadline.

(2) The information referred to in paragraph (1) is—

- (a) evidence that regulation 6 was complied with, including a copy of all information provided to eligible voters in advance of the ballot in accordance with that regulation,
- (b) all requests for a proxy vote under regulation 7,
- (c) a record of the proxy votes permitted under regulation 7, and
- (d) all completed and returned ballot papers.