

LAND REFORM (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 3 the Crofting Community Right to Buy

Section 83: Leaseback to owner of sporting interests

325. This section allows for any sporting rights to be leased back to the person who owned the land prior to the exercise of the right to buy, at a nominal rental for a period of at least 20 years.
326. Subsection (1) specifies that the leaseback provisions apply where the owner of the land had sole use of the sport at the date of the right to buy application, the crofting community body has proposed a leaseback of the sport in their application, the owner has, within the specified 60 day time limit, notified Ministers, in writing, that he or she wishes to lease the sporting interest in the land, there has been no copy of an agreement between the parties on the terms of a leaseback sent to Ministers and Ministers have consented to the application.
327. Subsection (2) requires that where subsection (1) applies Ministers must within 7 days ask the Scottish Land Court to determine appropriate terms and conditions for a leaseback of sport, and subsection (3) requires the Court to determine these.
328. Subsection (4) sets out the mandatory terms and conditions which must be included, and provides that these will not prevent the lease from being recorded or registered in accordance with the provisions of the [Registration of Leases \(Scotland\) Act 1857 \(c.26\)](#). It also provides that the lessee under such a lease (initially the former owner of the land) will be entitled to assign his or her interest in that lease.
329. Subsection (5) provides that the crofting community body must grant a lease immediately following completion of the transfer of the land in accordance with the terms and conditions specified by the Scottish Land Court.
330. Subsection (6) provides that if the crofting community body does not proceed as required by subsection (5) the Scottish Land Court may authorise its principal clerk to grant the lease and that will have the same effect as if the lease were granted by the crofting community body.