

LAND REFORM (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 3 the Crofting Community Right to Buy

Section 70: Land which may be bought in addition to eligible croft land

- 253. This section defines eligible additional land and eligible sporting interests which may be bought through the exercise of the crofting community right to buy and sets the period during which such sporting interests may be purchased.
- 254. Subsection (1) provides that when a crofting community body is buying eligible croft land under Part 3 it may also buy eligible additional land.
- 255. Subsection (2) provides that when a crofting community body is buying or has bought eligible croft land under Part 3 it may also buy eligible sporting interests in that land.
- 256. Subsection (3) specifies the period during which the crofting community body may apply to purchase eligible sporting interests and provides that such interests may be acquired only if the crofting community body retains ownership of the related eligible croft land. The period is specified as running from the date on which Ministers consented to the purchase of the eligible croft land until five years after the date on which the purchase was completed. This subsection also excludes the use of this right to buy to acquire eligible sporting interests leased back to the former owner under section 83.
- 257. Subsection (4) defines eligible additional land as land which is contiguous to eligible croft land and owned by the same person. It also makes clear that salmon fishings and mineral rights associated with eligible additional land may not be purchased under Part 3. The subsection defines “eligible sporting interests” as being the rights of a person other than the owner of eligible croft land under any lease or other contract to shoot or fish on that land.
- 258. Subsection (5) excludes rights under a lease of salmon fishings from being eligible sporting interests and thus ensures that existing formal management arrangements for salmon fishings need not be disturbed by a change of ownership in the land to which the rights relate.