

# LAND REFORM (SCOTLAND) ACT 2003

---

## EXPLANATORY NOTES

### THE ACT – AN OVERVIEW

#### **Part 3** the Crofting Community Right to Buy

##### *Section 73: Application by crofting community body for consent to buy croft land*

268. This section deals with the process of applying to exercise the crofting community right to buy.
269. Subsection (1) provides that only a crofting community body may exercise the right to buy, and subsection (2) further provides that the exercise of that right requires the consent of Ministers, and that such consent must be obtained by a written application.
270. Subsection (3) provides that there must be a separate right to buy application in respect of each holding of land (including holdings consisting solely of salmon fishings or mineral rights) or of sporting interests which the crofting community body is seeking to purchase and also provides that each application must be considered and determined by Ministers on its own merits. Subsection (4) provides that a holding of land or of sporting interests includes a holding in common or joint ownership.
271. Subsection (5) provides that an application must be made in the form, and contain such information as is, prescribed by regulations made by Ministers.
272. Subsection (6) specifies that at the same time as the crofting community body applies to Ministers, it must send a copy of the application form and associated material to the owner of the land or sporting interests. It also requires the crofting community body to send a copy of the application to the holder of any standard security over the land and invite that person to give notice, within 60 days, to the crofting community body and Ministers if any the creditor has taken any of the steps mentioned in subsection (7) to enforce its security in terms of the [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c.35\)](#).
273. In the event that such notice is given subsection (6)(a)(ii) requires the creditor holding the standard security to provide views on the application to Ministers in writing within that 60 day period.
274. Subsection (8) requires Ministers, on receipt of the application, to invite views from the parties specified in the subsection within 60 days and to send a copy of that invitation to the crofting community body.
275. Subsection (9) sets out an arrangement for seeking the consent of the owner to the sale of any eligible additional land specified in an application.
276. Subsection (10) requires Ministers to give public notice of receipt of the application and to invite views on the application within 60 days of publication of the notice.
277. Subsection (11) specifies where such notice shall be published.

*These notes relate to the Land Reform (Scotland) Act 2003  
(asp 2) which received Royal Assent on 25 February 2003*

278. Subsection (12) requires Ministers to send copies of any views they receive to the crofting community body, inviting the crofting community body to submit any responses to those views to Ministers within 60 days.
279. Subsection (13) requires that Ministers will take all views and responses received into account when considering an application.
280. Subsection (14) provides that Ministers may decline to consider an application due to such application being incomplete, not being in the proper form, that it includes land or an interest in land which is not within the definitions contained in sections 68 and 70, or that it is an application which Ministers would be bound to reject because it is otherwise incompetent.
281. Subsection (15) sets constraints on the timing of a decision by Ministers on an application so as to ensure that there is sufficient time for references to the Land Court under sections 79 or 81 to be made and to ensure that a decision is not reached until matters referred to the Land Court have been determined by the Court.