



Land Reform (Scotland) Act 2003

2003 asp 2

PART 3

THE CROFTING COMMUNITY RIGHT TO BUY

CHAPTER 5

GENERAL AND MISCELLANEOUS PROVISIONS

94 Register of Crofting Community Rights to Buy

- (1) The Crofters Commission shall set up and keep (or secure that there is set up and kept) a register to be known as the Register of Crofting Community Rights to Buy (the “crofting register”).
- (2) The crofting register shall be set up and kept so as to contain, in a manner and form convenient for public inspection, the following information and documents relating to each application to exercise the right to buy registered in it—
 - (a) the name and address of the registered office of the company which constitutes the crofting community body which has submitted the application;
 - (b) a copy of the application;
 - (c) a copy of Ministers' decision consenting or refusing to consent to the exercise of the right to buy;
 - (d) a copy of—
 - (i) any notice of withdrawal by the crofting community body of an application to exercise the right to buy;
 - (ii) any notice of confirmation by the body of its intention to proceed to exercise that right;
 - (iii) any notice withdrawing that confirmation; and
 - (iv) any acknowledgement by Ministers of receipt of notice such as is mentioned in sub-paragraphs (i) to (iii) above; and
 - (e) such other information as Ministers consider appropriate.
- (3) Ministers may, by order, modify paragraphs (a) to (e) of subsection (2) above.

Status: This is the original version (as it was originally enacted).

- (4) Any person who, under this Part of this Act, provides a document or other information, or makes a decision, which or a copy of which is to be registered in the crofting register shall, forthwith on providing the document or other information or, as the case may be, making the decision, give it or a copy of it to the Crofters Commission for the purpose of allowing it to be so registered.
- (5) The Crofters Commission shall ensure—
 - (a) that the crofting register is, at all reasonable times, available for public inspection free of charge;
 - (b) that members of the public are given facilities for getting copies of entries in the crofting register on payment of reasonable charges;
 - (c) that any person requesting it is, on payment of such a charge, supplied with an extract entry certified to be a true copy of the original.
- (6) An extract so certified shall be sufficient evidence of the original.

95 Avoidance of disposal other than to crofting community body

- (1) It is not competent for the owner of the land or person entitled to the interests to which an application under section 73 above relates to dispose of the land or interests after the consent date to any person other than the crofting community body which made the application.
- (2) Subsection (1) above has no effect where the crofting community body has withdrawn the application or has otherwise decided not to proceed to exercise its right to buy the land or interests.
- (3) In subsection (1) above, “consent date” has the same meaning as in section 87 above.

96 Limitation on effect of this Part

Nothing in this Part of this Act—

- (a) affects any rights given by or under the 1993 Act or prevents a crofting community body from being a landlord for the purposes of that Act; or
- (b) prevents a crofting community body from having and exercising power to acquire land or other property otherwise than under it.

97 Scottish Land Court

- (1) Subject to sections 79 and 91 above, the Land Court shall have jurisdiction to hear and determine all matters, whether of law or fact, which arise under this Part of this Act and, subject to section 1(7) of the Scottish Land Court Act 1993 (c. 45) (referral of question of law to Inner House of the Court of Session), the decision of the Land Court in any case shall be final.
- (2) In section 1(7) of that Act of 1993, after the word “enactment” there is inserted “, or under Part 3 of the Land Reform (Scotland) Act 2003 (asp 2),”.
- (3) Paragraph 6(2) of Schedule 1 to that Act of 1993 (appeal against order or determination arrived at under a delegation of Land Court’s powers) does not apply in relation to any order made, or determination arrived at, in pursuance of a matter which arises under this Part of this Act.