



Land Reform (Scotland) Act 2003

2003 asp 2

PART 3

THE CROFTING COMMUNITY RIGHT TO BUY

CHAPTER 1

GENERAL EXTENT OF CROFTING COMMUNITY RIGHT TO BUY

71 Crofting community bodies

- (1) A crofting community body is, subject to subsection (4) below, a company limited by guarantee, the memorandum and articles of association of which include the following—
- (a) a definition of the crofting community to which the company relates;
 - (b) provision enabling the company to exercise the right to buy land and sporting interests under this Part of this Act;
 - (c) provision that the company must have not fewer than 20 members;
 - (d) provision whereby the majority of the members of the company is to consist of members of the crofting community;
 - (e) provision whereby the members of the company who consist of members of the crofting community have control of the company;
 - (f) provision ensuring proper arrangements for the financial management of the company and the auditing of its accounts;
 - (g) provision that any surplus funds or assets of the company are to be applied for the benefit of the crofting community; and
 - (h) provision that on the winding up of the company and after satisfaction of its liabilities, its property (including any land and sporting interests acquired by it under this Part of this Act) passes—
 - (i) to such other crofting community body or community body as may be approved by Ministers; or
 - (ii) if no other such body is so approved, to Ministers or to such charity as Ministers may direct.

Status: This is the original version (as it was originally enacted).

- (2) Ministers may, if they think it in the public interest to do so, disapply the requirement specified in subsection (1)(c) above in relation to any body they may specify.
- (3) In subsection (1) above, “company limited by guarantee” has the same meaning as in section 1(2)(b) of the Companies Act 1985 (c. 6).
- (4) A body is not a crofting community body unless Ministers have given it written confirmation that they are satisfied that the main purpose of the body is consistent with furthering the achievement of sustainable development.
- (5) A crofting community shall be defined for the purposes of subsection (1)(a) above—
 - (a) as those persons who—
 - (i) are resident in the crofting township which is situated in or otherwise associated with the croft land which the crofting community body has a right to buy under this Part of this Act; or
 - (ii) being tenants of crofts in that crofting township, are resident in any other place within sixteen kilometres of that township,
 and who are entitled to vote in local government elections in the polling district or districts in which that township or, as the case may be, that other place is situated; or
 - (b) if, in Ministers' opinion, it is inappropriate so to define the crofting community, in such other way as Ministers approve for the purposes of this paragraph.
- (6) In subsection (5)(a)(i) above, “crofting township” means—
 - (a) any two or more crofts which share the right to use a common grazing together with that common grazing and any houses pertaining to or contiguous to those crofts or that common grazing; or
 - (b) any combination of two or more crofting townships within that meaning.
- (7) The memorandum and articles of a company which is a crofting community body may, notwithstanding the generality of paragraph (h) of subsection (1) above, provide that its property may, in the circumstances mentioned in that paragraph, pass to another person only if that person is a charity.
- (8) In this section, “charity” means a body which is entitled, by virtue of section 1(7) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), to describe itself as “a Scottish charity”.