



Crofting Reform etc. Act 2007

2007 asp 7

PART 6

CROFTING COMMUNITY RIGHT TO BUY

31 Crofting community right to buy

- (1) The Land Reform (Scotland) Act 2003 ([asp 2](#)) is amended as follows.
- (2) After section 69 there is inserted—

“69A Land which may be bought: interest of tenant over land

- (1) This section applies where a tenancy which is neither—
 - (a) a croft tenancy; nor
 - (b) the tenancy of a dwelling-house,has been created over land at least part of which is eligible croft land (the land over which the tenancy has been created being in this section referred to as the “tenanted land”).
- (2) Where this section applies, a crofting community body may apply, under section 73 below, to buy the interest mentioned in subsection (3) below—
 - (a) where—
 - (i) it is simultaneously applying; or
 - (ii) it has made an application in respect of which Ministers have not made a decision,to buy eligible croft land any part of which is part of the tenanted land (any such eligible croft land being in this section referred to as the “principal subjects”); or
 - (b) if the conditions set out in subsection (4) below are met, during the relevant period.
- (3) The interest is the interest of the tenant over so much of the tenanted land as is comprised within the principal subjects.
- (4) The conditions are that the crofting community body—

Status: This is the original version (as it was originally enacted).

- (a) has provided confirmation under section 85(1) below of its intention to proceed to buy the principal subjects; or
 - (b) has bought and retained those subjects in accordance with the provisions of this Part of this Act.
- (5) In subsection (2) above, “relevant period” means the period beginning with the date on which Ministers consented to the application under section 73 to buy the principal subjects and ending—
 - (a) where the crofting community body does not proceed to exercise its right to buy those subjects, on the date on which it withdraws, under section 85(2) below, its confirmation so to proceed; or
 - (b) where the crofting community body has bought and retained those subjects, five years after the date on which the crofting community body bought those subjects.”.
- (3) After section 88 there is inserted—

“88A Acquisition of interest of tenant over land: allocation of rents etc.

- (1) Where an application made by virtue of subsection (2) of section 69A above does not relate to the entire tenanted land (“tenanted land” being construed in accordance with subsection (1) of that section), any resultant question as to the allocation, as between the tenant and the crofting community body, of rents payable or receivable, or as to the allocation as between them of rights and obligations generally, is to be determined by the valuer when, in pursuance of an appointment under section 88(1) above, he assesses the value of the interest of the tenant.
- (2) Any determination under subsection (1) above is to be such as the valuer considers equitable in all the circumstances.”.
- (4) After section 97 there is inserted—

“97A Construction of certain references to “tenant”

In this Part, “tenant”, in any case where the reference is not to a tenant of a croft, includes sub-tenant (analogous expressions being construed accordingly).”.