



## LAND REFORM (SCOTLAND) ACT 2003: Part 3

### CROFTING COMMUNITY RIGHT TO BUY: GENERAL INFORMATION FOR LANDOWNERS AND OTHER OWNERSHIP INTERESTS



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## Introduction

The Land Reform (Scotland) Act 2003 enables crofting communities to set up a crofting community body (CCB) to undertake the purchase of croft land from landowners. This is a complex process which has obvious implications for landowners and others with interests in the land in question. This leaflet is **NOT** a guide to how that process works, but is intended to answer some of the first questions which may occur where a CCB announces its intention to purchase croft land under the Act. More comprehensive guidance is given in the booklet on crofting community purchase (referred to in this leaflet as the “Booklet”) produced by the Scottish Executive Environment and Rural Affairs Department.

Anyone owning or having an interest in croft land (such as a lease of sporting rights) which a CCB wishes to purchase is strongly advised to secure the services of a solicitor at an early date.

### Q1: what sort of land can be purchased by a CCB?

A: all croft land, i.e. land which is registered with the Crofters Commission, 4–6 Castle Wynd, Inverness IV2 3EQ as being controlled by crofting legislation.

### Q2: can non-croft land also be bought?

A: other land which borders croft land may also be bought as part of a purchase which includes that croft land. This is known as “eligible additional land” (see Booklet section 3) and must be bought from the same person who owns the croft land.

### Q3: does this include sporting and mineral rights?

A: yes, but there is a possibility of lease-back of sporting interests to the owner (see Booklet section 5).

### Q4: are salmon fishings treated in the same manner as other rights?

A: yes, except that salmon fishings can be bought as a second purchase at any time up to 1 year following the purchase of the croft land, and mineral rights may be bought at any time up to 5 years following the initial purchase of croft land.

### Q5: does the CCB need to purchase all croft land owned by one landowner?

A: no, a purchase may be of any portion or all of that croft land.



**Q6: what's to prevent a CCB buying the best pieces of land and leaving the landowner with the worst?**

A: the owner of the land sought by the CCB can ask Scottish Ministers to include in the sale other land which is not in the CCB application (see Booklet section 3).

**Q7: if a CCB is set up locally, can the landowner talk to them and see if there's some room for agreement on the future of the land?**

A: yes, a CCB does not have to proceed with purchase under the Act if a better alternative is available.

**Q8: who decides whether the CCB can buy the land?**

A: the CCB must apply to Scottish Ministers and show that they have made sound plans for the future use of the land (see Booklet section 8).

**Q9: does the crofting community have a voice in the decision?**

A: the crofting community as defined in the Act must be balloted on the question and must show a majority in favour of the proposal to buy – and the crofters themselves must have a majority in favour of purchase (see Booklet section 2).

**Q10: is the landowner entitled to a copy of the application?**

A: yes, the CCB must send a copy to the landowner when applying to Scottish Ministers.

**Q11: is the landowner entitled to comment to Scottish Ministers on the application?**

A: yes, the landowner and anyone with a known interest will be asked by Scottish Ministers to give their views on the application.

**Q12: is there any right of appeal against the decision by Scottish Ministers?**

A: yes, there is a right of appeal to the Sheriff Court (see Booklet section 10).

**Q13: how is a price set on the land to be bought?**

A: Scottish Ministers will appoint a valuer if they decide the application should go ahead.

**Q 14: is there a right of appeal against the price set by the valuer?**

A: yes, there is a right of appeal to the Scottish Land Court (see Booklet section 9).

**Q15: What about the costs to the landowner of concluding a sale?**

A: where the CCB employ the Act to buy land, they must compensate the seller for loss and expense incurred by the seller in complying with the Act's requirements.

**Q16: what if there's no agreement on the amount of compensation due?**

A: then either party can refer the matter to the Scottish Land Court for a decision.

**Q17: and if the sale falls through?**

A: if the CCB withdraw from a sale, the same rules on compensation apply.

**Q18: what happens to compensation if Scottish Ministers refuse an application?**

A: then the amount of expense or loss can be recovered from Scottish Ministers (see Booklet section 13).

## Conclusion

This brief question and answer guide gives an idea of the complexity of the subject of crofting community purchase of croft land under the Land Reform (Scotland) Act 2003.

It is strongly advised that where a CCB is set up to pursue the purchase of croft land, a solicitor should be engaged by any person owning or having an interest in that croft land.

The comprehensive guidance Booklet referred to in this leaflet can be obtained from:

The Scottish Executive Environment and Rural Affairs Department  
LURP Division  
Area 1D  
Pentland House  
47 Robb's Loan  
Edinburgh EH14 1TY  
Tel: 0131 244 6213  
Fax: 0131 244 6259  
E-mail: [crrbb@scotland.gsi.gov.uk](mailto:crrbb@scotland.gsi.gov.uk)

A copy of the Land Reform (Scotland) Act 2003 may be obtained from good booksellers or from the Stationery Office at:

The Publications Centre  
PO Box 276  
London SW8 5DT

