



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 3

#### THE CROFTING COMMUNITY RIGHT TO BUY

### CHAPTER 2

#### EXERCISE OF RIGHT TO BUY

#### **83 Leaseback to owner of sporting interests**

- (1) This section applies where—
- (a) at the date of an application under section 73 above, only the owner of the land to be bought is entitled to the sporting interests on the land;
  - (b) the crofting community body has indicated that it proposes a leaseback of those interests under section 73(5)(d) above;
  - (c) the owner, within the period of 60 days referred to in subsection (8) of that section, notifies Ministers in writing that the owner wishes a lease of those interests;
  - (d) Ministers have consented to the application; and
  - (e) the crofting community body and the owner of the land have not, prior to consent being given, provided Ministers with a copy of an agreement between them on the terms and conditions of the lease of those interests.
- (2) Where this section applies Ministers shall, within 7 days of consenting to the application, refer to the Land Court the question of what terms and conditions are appropriate for a lease of those sporting interests from the crofting community body to the owner.
- (3) The Land Court shall, subject to subsection (4) below, determine those terms and conditions.
- (4) Those terms and conditions shall include provision that—
- (a) the annual rent shall be nominal;
  - (b) the duration of the lease shall be not less than 20 years; and

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*Status: This is the original version (as it was originally enacted).*

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- (c) the owner shall be entitled to assign the tenant's interest under the lease, and the terms and conditions shall not prevent the lease from being recorded or registered under the Registration of Leases (Scotland) Act 1857 (c. 26).
- (5) The crofting community body shall, forthwith on completion of the transfer of the land, grant a lease accordingly to the owner of the land.
- (6) If a crofting community body refuses or fails to grant a lease in accordance with such terms and conditions as have been determined, the Land Court may authorise its principal clerk to adjust, execute and deliver the lease to the like force and effect as if done by the crofting community body.