

*Status: Point in time view as at 25/06/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Crofting Reform etc. Act 2007, Paragraph 5. (See end of Document for details)*

## SCHEDULE 1 MINOR AND CONSEQUENTIAL AMENDMENTS

### *Land Reform (Scotland) Act 2003 (asp 2)*

- 5 (1) The Land Reform (Scotland) Act 2003 is amended in accordance with this paragraph.
- (2) In section 68 (land which may be bought: eligible croft land), after subsection (1) there is inserted—
- “(1A) But subsection (1) above is subject to section 69A below.”.
- (3) In section 73 (application by crofting community for consent to buy croft land etc.)—
- (a) in subsection (3)—
- (i) after the word “interests” there is inserted “ or more than one tenancy ”; and
- (ii) after the words “such holding” there is inserted “ or tenancy ”;
- (b) in subsection (4), at the end there is added “ and a “tenancy” is one where one person is entitled to the tenant's interest or there is a common or joint entitlement to that interest ”;
- (c) in subsection (5)(a), for the word “or” there is substituted “ , the subjects of the lease or the ”;
- (d) after subsection (5) there is inserted—
- “(5A) Paragraphs (b) to (d) and (f) of subsection (5) above do not apply as respects an application made by virtue of section 69A(2) of this Act.”;
- (e) in subsection (6), after paragraph (a) (but before the word “and” which immediately follows that paragraph) there is inserted—
- “(aa) in the case of an application made by virtue of section 69A(2) above, send a copy of its application to the tenant;”; and
- (f) in subsection (8)(a) after sub-paragraph (i) there is inserted—
- “(ia) in the case of an application made by virtue of section 69A(2) above, the tenant;”.
- (4) In section 74 (criteria for consent by Ministers), after subsection (1) there is inserted—
- “(1A) But subsection (1)(a) above is subject to section 69A above.”.
- (5) In section 75 (ballot to indicate approval for purposes of section 74(1)(m))—
- (a) in subsection (1)—
- (i) after the words “buy land” there is inserted “ , the interest of a tenant over land ”;
- (ii) in paragraph (a), after the word “land” there is inserted “ , tenant's interest ”; and
- (iii) in paragraph (b)(ii), at the end there is added “ or within the land over which the tenant's interest subsists ”;
- (b) in subsection (3), after the word “land” there is inserted “ , tenant's interest ”;
- (c) in subsection (4)(c), at the end there is added “ or as the case may be within the land over which the tenant's interest subsists ”; and

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- (d) in subsection (5)—
- (i) in paragraph (a), at the end there is added “ or within the land over which the tenant's interest subsists ”; and
  - (ii) at the end there is added “ or within the land over which the tenant's interest subsists ”.
- (6) In section 76 (right to buy same croft exercisable by only one crofting community body)—
- (a) in subsection (1), after the word “land” there is inserted “ , tenant's interest ”; and
  - (b) in subsection (4)—
    - (i) in paragraph (a), after the word “or” there is inserted “ tenant's interest which is, or the ”; and
    - (ii) in paragraph (b)(i), for the word “or” there is substituted “ , the tenant or the ”.
- (7) In section 81 (reference to Land Court of questions on applications)—
- (a) in subsection (1), after paragraph (c) (but before the word “or” which immediately follows that paragraph) there is inserted—
 

“(ca) where the subject of the application is a tenant's interest, any person who has an interest in the lease, being an interest giving rise to a right which is legally enforceable by that person;”;
  - (b) in subsection (2), after paragraph (b) (but before the word “or” which immediately follows that paragraph) there is inserted—
 

“(ba) the tenant whose interest is the subject of the application;”.
- (8) In section 82 (notification of Ministers' decision on application)—
- (a) in subsection (1)(b), after the word “or” there is inserted “ as the case may be the tenant whose interest is the subject of the application or the ”; and
  - (b) in subsection (2)(a), after the word “land” there is inserted “ , tenant's interest ”.
- (9) In section 85 (confirmation of intention to proceed with purchase and withdrawal)—
- (a) in subsection (1)—
    - (i) after the words “buy land” there is inserted “ , the interest of a tenant over land ”;
    - (ii) after the words “buy the land” there is inserted “ , tenant's interest ”; and
    - (iii) after the words “of the land or” there is inserted “ , as the case may be, the tenant or the ”; and
  - (b) in subsection (3), after the words “land or” there is inserted “ , as the case may be, the tenant or the ”.
- (10) In section 86 (completion of purchase)—
- (a) in subsection (1)—
    - (i) in sub-paragraph (i) of paragraph (a), at the end (but before the word “and” which immediately follows that sub-paragraph) there is added “ to it of the land or sporting interests or as the case may be the assignation to it of the tenant's interest ”;

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- (ii) in sub-paragraph (i) of paragraph (b), at the end (but before the word “and” which immediately follows that sub-paragraph) there is added “ or assigned ”; and
    - (iii) in sub-paragraph (ii) of paragraph (b), after the word “transfer” there is inserted “ or assignation ”;
  - (b) in subsection (4), after the words “entitled to the” there is inserted “ sporting ”;
  - (c) in subsection (c), after the words “entitled to the” there is inserted “ sporting ”; and
  - (d) at the end there is added—
    - “(7) In relation to an application made by virtue of section 69A(2) above, the tenant is obliged to make available to the crofting community body such deeds and other documents as are sufficient to enable the body to complete its acquisition of the tenant's interest and the tenant is obliged to effect the assignation of his interest accordingly.
    - (8) If, within 6 weeks after the date on which Ministers consent to an application made by virtue of section 69A(2) above the tenant refuses or fails to make those deeds and other documents available, or they cannot be found, the Land Court may, on the application of the crofting community body, order the tenant or any other person appearing to the Court to have those deeds and documents to produce them.
    - (9) If the tenant refuses or fails to effect the assignation of the tenant's interest in accordance with subsection (7) above, the Land Court may, on the application of the crofting community body, authorise its principal clerk to adjust, execute and deliver such deeds or other documents as will complete the assignation to the like force and effect as if done by the tenant.”.
- (11) In section 87 (completion of transfer)—
  - (a) in subsection (1), after the word “interests” there is inserted “ or for the assignation of the tenant's interest ”;
  - (b) in subsection (2), for the word “or” there is substituted “ , the tenant's interest or the sporting ”;
  - (c) in subsection (3)—
    - (i) in paragraph (a), for the words “the owner or person entitled to the interests and the community body” there is substituted “ the crofting community body and, as the case may be, the owner, the tenant or the person entitled to the sporting interests ”;
    - (ii) in paragraph (b), for the word “or” there is substituted “ , the tenant's right or the sporting ”;
  - (d) in subsection (4)—
    - (i) after the words “to the crofting community body” there is inserted “ or as the case may be the tenant is not able to assign his interest to that body ”; and
    - (ii) after the word “granted” there is inserted “ or assignation is effected ”;
  - (e) in subsection (5), for the word “or” there is substituted “ , the tenant's interest or the sporting ”;

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- (f) in subsection (6), for the words “immediately before title is granted to the crofting community body in pursuance of this section shall, on the recording of that title” there is substituted “or tenant's interest immediately before—
- (a) title is granted to the crofting community body; or
  - (b) the tenant's interest is assigned to that body,
- in pursuance of this section shall, on the recording of that title or assignment”;
- (g) after subsection (7) there is inserted—
- “(7A) Where such a security also burdens a tenant's interest other than the tenant's interest assigned to the crofting community body, the security shall not, by virtue of subsection (6) above, cease to burden that other interest.”;
- (h) in subsection (8)—
- (i) after the word “owner” there is inserted “, or as the case may be to the tenant,”; and
  - (ii) for the word “or” there is substituted “, tenant's interest or sporting”;
- (i) in subsection (9), at the end there is added “ or as the case may be to the tenant as consideration for the interest of the tenant over the land ”.
- (12) In section 88 (assessment of value of croft land etc.)—
- (a) in subsection (1)—
    - (i) for the words “sporting interests of a kind which is similar to the land” there is substituted “ interests of a kind which is similar to the land, tenant's interest ”; and
    - (ii) after the words “value of the land” there is inserted “, tenant's interest ”;
  - (b) in subsection (4)—
    - (i) after the words “of land” there is inserted “, the interest of a tenant over land ”;
    - (ii) in paragraph (a), for the words “or person entitled to the interests or of the crofting community body which is exercising its right to buy the land or” there is substituted “, of the tenant, of the person entitled to the sporting interests or of the crofting community body which is exercising its right to buy the land, tenant's interest or sporting ”;
  - (c) in subsection (5)—
    - (i) for the word “or”, where it first occurs, there is substituted “, tenant's interest or sporting ”; and
    - (ii) after the word “land”, where it occurs for the second time, there is inserted “, interest ”;
  - (d) in subsection (6)—
    - (i) for the word “or”, where it first occurs, there is substituted “, a tenant's interest or sporting ”;
    - (ii) in paragraph (b), for the words “or interests, including” there is substituted “, a tenant's interest or sporting interests, including (in the case of land or sporting interests) ”; and
    - (iii) in paragraph (c), for the word “or” there is substituted “, tenant's interest or sporting ”;

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- (e) in subsection (7), for the word “or”, in each place it occurs, there is substituted “, a tenant's interest or sporting”;
- (f) in subsection (9)—
  - (i) for the words “person entitled to the” there is substituted “ as the case may be the tenant, or the person entitled to the sporting”;
  - (ii) for the word “or”, where it occurs for the second time, there is substituted “, tenant's interest or sporting”;
  - (iii) after the word “land”, where it occurs for the third time, there is inserted “, interest”;
- (g) in subsection (10)—
  - (i) for the words “person entitled to the” there is substituted “ as the case may be the tenant, or the person entitled to the sporting”;
  - (ii) for the word “or”, where it occurs for the second time, there is substituted “ the tenant's interest or the sporting”;
- (h) for subsection (12) there is substituted—

“(12) The valuer shall, within the period set out in subsection (13) below, notify Ministers, the crofting community body and as the case may be the owner of the land, the tenant or the person entitled to the sporting interests, of the assessed value of the land, tenant's interest or sporting interests; and if there is a determination under section 88A(1) below shall within that period notify the crofting community body and the tenant of the determination.”.
- (13) In section 89 (compensation)—
  - (a) in subsection (1), after the words “sporting interests” there is inserted “ (and in the case of an application made by virtue of section 69A(2) above a tenant) ”; and
  - (b) in subsection (3), for the words “or person entitled to the” there is substituted “, the tenant or the person entitled to the sporting”.
- (14) In section 90(2)(a) (grants towards crofting community bodies' liabilities to pay compensation), after the word “land” there is inserted “, the interest of a tenant over land”.
- (15) In section 91 (appeals)—
  - (a) in subsection (1), after the word “relates” there is inserted “ (and in the case of an application made by virtue of section 69A(2) above the tenant) ”;
  - (b) in subsection (2)(b), after the word “land” there is inserted “, lease”;
  - (c) in subsection (4), after the word “land” there is inserted “ or tenant's interest ”; and
  - (d) in subsection (6), after the word “land” there is inserted “ which is the subject of the application (or as the case may be over which the tenancy has been created) ”.
- (16) In section 92 (appeals to Land Court: valuation)—
  - (a) in subsection (1)—
    - (i) after the word “or”, where it first occurs, there is inserted “ as the case may be the tenant or the ”;
    - (ii) for the word “or”, where it occurs for the second time, there is substituted “, tenant's interest or sporting”;

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- (iii) at the end there is added “ ; and if the valuer has made a determination under section 88A(1) above the tenant and that body may so appeal against the determination. ”;
  - (b) in subsection (3), for the word “interests” there is substituted “ as the case may be of the tenant's interest or the sporting interests and may substitute its own determination for any determination under section 88A(1) above. ”; and
  - (c) in each of subsections (4) and (7), after the word “valuation” there is inserted “ or determination ”.
- (17) In section 95 (avoidance of disposal other than to crofting community)—
- (a) for subsection (1) there is substituted—
    - “(1) It is not competent for the owner of the land, or as the case may be the tenant or the person entitled to the sporting interests, to which an application under section 73 above relates—
    - (a) to dispose of the land or sporting interests; or
    - (b) to assign the tenant's interest,
    - after the consent date to any person other than the crofting community body which made the application.”; and
    - (b) in subsection (3), for the word “or”, where it occurs for the second time, there is substituted “ , tenant's interest or sporting ”.
- (18) In section 96(b) (limitation on effect of Part 3 of Land Reform (Scotland) Act 2003), after the word “land” there is inserted “ (or an interest created over land) ”.

**Commencement Information**

**II** Sch. 1 para. 5 in force at 25.6.2007 by S.S.I. 2007/269, art. 2, Sch.

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