

**2020 No. 451**

**LAND REFORM**

**The Crofting Community Right to Buy (Procedure, Ballots and  
Forms) (Scotland) Regulations 2020**

*Made - - - - - 17th December 2020*

*Laid before the Scottish Parliament 21st December 2020*

*Coming into force - - - 24th February 2021*





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*Made* - - - - *17th December 2020*

*Laid before the Scottish Parliament* *21st December 2020*

*Coming into force* - - *24th February 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 73(5) and (11), 75(2), (4), (6), and (7), 82(1) and (2), 90(6) and 98(3) of the Land Reform (Scotland) Act 2003(a) and all other powers enabling them to do so.

**PART 1**

**Introductory**

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Crofting Community Right to Buy (Procedure, Ballots and Forms) (Scotland) Regulations 2020 and come into force on 24 February 2021.

(2) In these Regulations, “the Act” means the Land Reform (Scotland) Act 2003(b).

**PART 2**

**Applications under section 73(2) of the Act**

**Application for the consent of the Scottish Ministers**

**2.** An application by a crofting community body under section 73(2) of the Act for consent to buy eligible croft land, eligible additional land, eligible sporting interests or the interest of a tenant in tenanted land must—

- (a) be made in the form of application specified in schedule 1, and
- (b) include or be accompanied by information as specified in that form.

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(a) 2003 asp 2. Section 73(5) was amended by the Crofting Reform etc. (Scotland) Act 2007 (2007 asp 7) (“the 2007 Act”), schedule 1, paragraph 5(3) and the Community Empowerment (Scotland) Act 2015 (2015 asp 6) (“the 2015 Act”), section 64(2). Section 75(6) and (7) was added by the 2015 Act, section 66 (3). Section 82(2) was amended by the 2003 Act, schedule 1, paragraph 5(8). Section 98(1) of the Land Reform (Scotland) Act 2003 contains definitions of ‘Ministers’ and ‘prescribed’ relevant to the exercise of the statutory powers under which these Regulations are made.

(b) 2003 asp 2.

### **Specifications for maps, plans or other drawings relating to land or tenant's interest**

3. A map, plan or other drawing that is referred to in schedule 1 must—
- (a) be drawn to a metric scale corresponding to a scale used by the Ordnance Survey for that land,
  - (b) be taxative and not demonstrative only,
  - (c) show the compass orientation of north,
  - (d) contain map grid reference numbers and sufficient surrounding details (fences, houses etc.) to enable the position of the land to be fixed accurately,
  - (e) show the boundaries of the land, and
  - (f) where measurements are given, give those measurements to one decimal place.

### **Manner in which application for consent must be publicly notified**

4. The Ministers must give public notice of the application as required by section 73(10) of the Act by way of an advertisement in one or both of the following—
- (a) a digital or paper edition of a newspaper circulating in the area where the community is located, or
  - (b) a publicly accessible webpage or website maintained by the Scottish Ministers for purposes which include making available for inspection any public notice of an application for consent under section 73(2) of the Act.

### **Notification of Ministers' decision on application**

5. For the purposes of section 82(1) of the Act the form of written notice of Ministers' decision on an application under section 73(2) of the Act is specified in schedule 2.

## **PART 3**

### **Ballot for the purposes of sections 74 and 75 of the Act**

#### **Conduct of ballot**

- 6.—(1) The ballot for the purposes of section 74 and 75 of the Act must be conducted—
- (a) in a fair and reasonable manner, and
  - (b) as a secret postal ballot.
- (2) The crofting community body must ascertain the persons eligible to vote in the ballot, those persons being members of the community as defined for the purposes of section 71(1)(a), (1A)(a) or (1B)(a) of the Act.
- (3) The crofting community body must send, to each person eligible to vote, a ballot paper indicating—
- (a) the question on which the vote is being taken,
  - (b) the date and time, being not less than 10 days after the date of posting of the ballot paper to the person, by which the ballot paper must be returned (“ballot deadline”), and
  - (c) the information specified in paragraph (4).
- (4) The crofting community body must send to each person eligible to vote—
- (a) a description of—
    - (i) the land that is subject to an application under section 73(2) of the Act,
    - (ii) the land to which a tenant's interest that is subject to an application under section 73(2) of the Act relates, or

- (iii) the land over which the sporting interests that are subject to an application under section 73(2) of the Act relate,
  - (b) details of any rights or interests in respect of any owner, creditor or third party and, where the ballot is in respect of the proposed purchase of a tenant's interest, the tenant,
  - (c) a description of the crofting community body's proposals for the land or, where the application is in respect of a tenant's interest or sporting interests, the land to which the tenant's interest or sporting interests relates, as the case may be,
  - (d) details of how further information may be obtained on the crofting community body's proposals for the land, or where the application is in respect of a tenant's interest or sporting interests, the land to which the tenant's interest or sporting interests relates, as the case may be, and other matters relating to the ballot,
  - (e) the name of the crofting community body as it appears in the crofting community body's memorandum and articles of association (or as adopted by a resolution of its members), constitution or registered rules, and
  - (f) the crofting community body's contact details including a contact name, postal address, email address and telephone number.
- (5) The crofting community body must provide each person eligible to vote with a stamped addressed envelope for returning the completed ballot paper.

### **Proxy votes**

7.—(1) A person eligible to vote in the ballot may make a request to the crofting community body to be permitted a proxy vote.

- (2) The request under paragraph (1) must be made in writing and must—
  - (a) state the name and address of the eligible voter,
  - (b) state the name and address of another person who is eligible to vote whom the eligible voter wishes to appoint as a proxy voter,
  - (c) be signed by the eligible voter who is appointing the proxy voter,
  - (d) contain a statement confirming that the eligible voter has consulted the proxy and that the proxy is capable and willing to act as a proxy voter, and
  - (e) be received by the crofting community body not later than 1700 hours on the day before the ballot deadline.

(3) The crofting community body must permit the proxy vote if the request is made in accordance with this regulation.

### **Observer of ballot result**

8.—(1) Before sending the ballot papers in accordance with regulation 6(3), the crofting community body must appoint an observer to oversee, in person—

- (a) the opening and counting of the votes made on the completed ballot papers, and
  - (b) the recording of the result.
- (2) The observer must—
- (a) be an individual who is independent of the crofting community body, and
  - (b) sign a declaration in the form specified in schedule 4 confirming that the person oversaw, in person, the opening and counting of the votes made on the completed ballot papers and the recording of the ballot result.

## **Ballot results**

**9.**—(1) The crofting community body must, within the period of 14 days beginning on the date of the ballot deadline, publish the result of the ballot in the form and manner provided for in paragraphs (2) and (3).

(2) The result of the ballot must—

- (a) be published in the form specified in schedule 3, and
- (b) include or be accompanied by information where specified in that schedule.

(3) The result of the ballot must be published—

- (a) in a digital or paper edition of a newspaper circulating in the area where the community is located, and
- (b) on any publicly accessible webpage or website that is operated by or on behalf of the crofting community body, if such a webpage or website exists.

## **Form of return to the Scottish Ministers of the ballot result**

**10.** For the purposes of section 75(4) of the Act, a return to the Scottish Ministers notifying the matters mentioned in that section must be in the form specified in schedule 4.

## **Retention of ballot papers etc.**

**11.**—(1) The crofting community body must retain the information specified in paragraph (2) for a period of 2 years after the ballot deadline.

(2) The information referred to in paragraph (1) is—

- (a) evidence that regulation 6 was complied with, including a copy of all information provided to eligible voters in advance of the ballot in accordance with that regulation,
- (b) all requests for a proxy vote under regulation 7,
- (c) a record of the proxy votes permitted under regulation 7, and
- (d) all completed and returned ballot papers.

# **PART 4**

## **Application for reimbursement of ballot expenses**

### **Application for reimbursement**

**12.**—(1) A crofting community body may apply to the Ministers for reimbursement of the expense of conducting a ballot in accordance with section 75(6) of the Act.

(2) An application under paragraph (1) may only be made on or after the date that the associated application was made under section 73(2) of the Act and must be made no later than the date determined in accordance with paragraph (3) or (4).

(3) If the crofting community body is refused consent to exercise a right to buy under section 73 of the Act, the date is the earlier of—

- (a) the day after the expiry of the time period specified in section 91(5) of the Act for lodging an appeal against the decision on an application under section 73 of the Act, if no appeal is lodged within that period,
- (b) the day on which the sheriff issues a decision in an appeal under section 91(7) of the Act, that the crofting community body is not given consent to exercise the right to buy under section 73 of the Act.

(4) If the crofting community body is given consent to exercise a right to buy under section 73 of the Act, the date is the earliest of—

- (a) the day on which the sheriff issues a decision in an appeal under section 91(1) of the Act, that the crofting community body is not given consent to exercise the right to buy under section 73 of the Act,
- (b) the expiry of the period specified in section 85(1) of the Act, but only if the crofting community body did not, within that period, notify the Scottish Ministers and, as the case may be—
  - (i) the owner of the land,
  - (ii) where the application is to buy a tenant's interest, the tenant, or
  - (iii) where the application is to buy sporting interests, the owner of the sporting interests, of its intention to proceed to buy the land or the tenant's interest or the sporting interests,
- (c) the date of notice of withdrawal of the application under section 85(2)(a) of the Act,
- (d) the date of notice of withdrawal of confirmation of intention to proceed under section 85(2)(b) of the Act,
- (e) the date on which the crofting community body's confirmation of intention to proceed made under section 85 of the Act is treated as withdrawn under section 87(5) of the Act, or
- (f) the date on which the transfer is completed under section 87 of the Act.

#### **Information to be included in application for reimbursement**

**13.**—(1) An application under regulation 12 must include the following information—

- (a) the name of the crofting community body, as it appears in the body's memorandum and articles of association (or as adopted by a resolution of its members), constitution or registered rules,
- (b) the crofting community body's company number, charity number or registration number,
- (c) the crofting community body's contact details, including a contact name, postal address, email address and telephone number,
- (d) the date on which the crofting community body made its application under section 73(2) of the Act,
- (e) the ballot deadline,
- (f) the question on which the vote was taken,
- (g) details of the crofting community body's bank account into which the amount of any reimbursement is to be paid, and
- (h) a statement, in accordance with paragraph (2), setting out all costs that were incurred in conducting the ballot.

(2) For each cost the crofting community body must provide—

- (a) the date on which the cost was incurred,
- (b) a brief description of the goods or services to which the cost relates,
- (c) evidence that the cost was incurred in conducting the ballot, and
- (d) the date on which the goods or services to which the cost relates were provided.

(3) The crofting community body may include with its application any other information that it considers to be relevant.

#### **Request for further information before making decision**

**14.**—(1) Within the period of 30 days beginning on the date on which the Scottish Ministers receive an application under regulation 12, they may request from the crofting community body

any further information that the Scottish Ministers consider to be necessary for the purpose of making a decision under regulation 15.

(2) No later than the expiry of the period of 7 days beginning on the date on which the crofting community body receives a request under paragraph (1), it must respond by—

- (a) providing the requested information, or
- (b) explaining why the information cannot be provided.

#### **Decision of the Scottish Ministers on application for reimbursement**

**15.**—(1) No later than the expiry of the period of 60 days beginning on the date on which the Scottish Ministers receive an application under regulation 12, they must—

- (a) calculate the amount to be reimbursed, if any, by—
  - (i) calculating the claimed expense of conducting the ballot in accordance with paragraphs (2) and (3), and
  - (ii) subtracting from that amount any expense that they consider not to have been reasonably incurred in the conduct of the ballot,
- (b) notify the crofting community body in writing of the amount calculated under sub-paragraph (a) and the reasons for any decisions made in the course of making that calculation, and
- (c) pay to the crofting community body the amount calculated under sub-paragraph (a), if it is an amount greater than zero.

(2) When calculating the expense of conducting the ballot, the Scottish Ministers must disregard any cost, or part thereof, identified in the application that they consider to be—

- (a) directly attributable to activities other than those specified in regulation 6, or
- (b) incurred retrospectively.

(3) For the purpose of paragraph (2)(b), an expense is incurred retrospectively if it is incurred after the provision of the goods or services to which it relates, where those goods or services were originally provided on a no-cost basis.

#### **Appeal against the Scottish Ministers' decision under regulation 15**

**16.**—(1) A crofting community body may appeal to the Lands Tribunal against a decision of the Scottish Ministers under regulation 15.

(2) An appeal under paragraph (1) must be lodged within the period of 28 days beginning on the date three days after the day on which the notice of the decision is sent to the crofting community body.

(3) The Lands Tribunal may, after making its own assessment in accordance with regulation 15 of the amount, if any, to be reimbursed, make an order requiring the Scottish Ministers to reimburse a specified amount of expense to the crofting community body.

(4) There is no right of appeal of a decision of the Lands Tribunal made under this regulation.

## **PART 5**

#### **Grant towards compensation liability**

**17.**—(1) An application for a grant under section 90 of the Act must—

- (a) be in the form specified in schedule 5, and
- (b) include or be accompanied by information where specified in that schedule.



(2) An application for a grant under section 90 of the Act must be submitted to the Scottish Ministers within the period of 90 days beginning on—

- (a) the date on which the crofting community body and the claimant agreed the amount of compensation payable, or
- (b) the date on which the Land Court determined a question referred to it under section 89(5) of the Act as to the amount, if any, of compensation payable.

(3) The Scottish Ministers must—

- (a) acknowledge receipt of an application for a grant made in accordance with paragraphs (1) and (2) within the period of 7 days beginning on the date that they receive it, and
- (b) issue their decision on that application within the period of 28 days beginning on the date that they receive it.

## PART 6

### Revocations, savings and transitional provisions

**18.** The following Scottish statutory instruments are revoked—

- (a) the Crofting Community Body (Prescribed Form of Application and Notice) (Scotland) Regulations 2009(a),
- (b) the Crofting Community Right to Buy (Grant Towards Compensation Liability) (Scotland) Regulations 2004(b),
- (c) the Crofting Community Right to Buy (Ballot) (Scotland) Regulations 2004(c).

#### **Saving provision**

**19.**—(1) Where paragraph (2) applies, the provisions of the Scottish statutory instruments referred to in regulation 18 continue to have effect in respect of the relevant application on and after 1 December 2020 as they had effect immediately before that date.

(2) This paragraph applies where an application under section 73(2) of the Act has been received by the Scottish Ministers before 1 December 2020 and the Scottish Ministers have not made a decision on the application by that date.

(3) For the purposes of paragraph (2) a decision is taken to have been made when Scottish Ministers issue a notice under section 82 of the Act.

#### **Transitional provision**

**20.**—(1) Paragraph (3) applies in relation to an application made under section 73(2) where the conditions in paragraph (2) are met.

(2) The conditions are that—

- (a) a ballot process in connection with an application has been conducted under section 75 of the Act in accordance with the Crofting Community Right to Buy (Ballot) (Scotland) Regulations 2004 within the period of six months immediately preceding 1 December 2020, and
- (b) an application under section 73(2) of the Act in connection with that ballot process is made to the Scottish Ministers on or after 1 December 2020.

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(a) S.S.I. 2009/160.  
(b) S.S.I. 2004/225.  
(c) S.S.I. 2004/227.

(3) Where this paragraph applies the ballot is to be treated as one conducted in accordance with Part 3 of these Regulations.

St Andrew's House,  
Edinburgh  
17th December 2020

*FERGUS EWING*  
A member of the Scottish Government



**Land Reform (Scotland) Act 2003  
Part 3: Crofting Community Right to Buy**

Application for consent to buy eligible croft land etc.

Notes:

1. This form is to be used by a crofting community body applying for consent to exercise the right to buy under Part 3 of the Land Reform (Scotland) Act 2003 ("the Act").
2. Only a crofting community body within the meaning of section 71 of the Act is entitled to make this application. Note that under subsection 71(4) of the Act, a body can only be regarded as a crofting community body once Scottish Ministers have given written confirmation that the Scottish Ministers are satisfied that the body's main purpose is consistent with furthering the achievement of sustainable development.
3. Before making this application, a crofting community body must have conducted a ballot in accordance with section 75 of the Act. The ballot must have been conducted during six months immediately preceding the date on which this application is made.
4. You may download this form and complete it manually or electronically.
5. If you complete the form manually, please do so using black or blue ink and capital letters.
6. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please –
  - indicate on the form where any answer is given or continued on a separate sheet,
  - indicate on each separate sheet the question number(s) to which it relates.
7. You may submit the completed form and attached documents –
  - electronically to [crtb@gov.scot](mailto:crtb@gov.scot), or
  - by post to Community Land Team, Q Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

If all the interests the crofting community body ("CCB") wishes to acquire are owned by the same owner, one application form may be used.

If there is more than one owner, a separate application form must be used for each owner.

Please mark an "X" to indicate the interests in eligible croft land that the CCB wishes to acquire in terms of this application form:

- Land
- Tenant's interest in tenanted land
- Salmon fishings
- Mineral rights
- Sporting interests

Please mark an "X" to indicate if separate application forms are being submitted along with this application for any of the following interests:

- Land
- Tenant's interest in tenanted land
- Salmon fishings
- Mineral rights
- Sporting interests

Please mark with an "X" to indicate whether the CCB proposes a leaseback of sporting interests under section 83 of the Act

**SECTION 1 – WHO IS APPLYING**

1.1 Name of crofting community body (“CCB”) applying for consent to buy croft land etc.

|  |
|--|
|  |
|--|

**SECTION 2 – DETAILS OF WHO IS APPLYING**

2.1 Please supply the official registered or principal office of the CCB.

|  |  |
|--|--|
| Postal address:<br>Town:<br>County:<br>Country:<br>Postcode: |  |
|--|--|

2.2 Please supply the contact name and address the CCB wishes its correspondence in relation to the crofting community right to buy process to be issued to.

|   |  |
|---|--|
| Contact name:<br>Postal address:<br>Town:<br>County:<br>Country:<br>Postcode:<br>Telephone:<br>Email: |  |
|---|--|

2.3 Please mark an “X” in the relevant box to confirm the type of CCB and its official number.

Company Limited by Guarantee (CLBG)  
and its company number is:

|                          |   |                      |
|--------------------------|---|----------------------|
| <input type="checkbox"/> | Scottish Charitable Incorporated Organisation (SCIO) and its charity number is: | <input type="text"/> |
| <input type="checkbox"/> | Community Benefit Company (BenCom) and its registration number is:              | <input type="text"/> |

This application must be accompanied by a copy of the CCB's governing documents and evidence of its company, charity number, or registration number.

|                          |   |
|--------------------------|---|
| <input type="checkbox"/> | Please mark an "X" to confirm that such a copy and evidence accompanies this application. |
|--------------------------|---|

2.4 Please provide:

|   |  |                      |
|---|--|----------------------|
| (a)   | Total number of members in your CCB.   | <input type="text"/> |
| (b)   | A breakdown of the total number of members of each different type(s) of membership in your CCB as stated in your governing document. |                      |
| (c)   | The membership details (i.e. names, address and membership type) of the CCB's members.   |                      |
| Please complete on a separate sheet if necessary, which should be referenced accordingly. |  |                      |

**SECTION 3 – THE CROFTING COMMUNITY**

3.1 Please confirm whether the crofting community for the purposes of this application is defined under section 71(5)(a) or section 71(5)(b) of the Act.

section 71(5)(a)

section 71(5)(b)

If the crofting community is defined under section 71(5)(a) please complete sections 3.2-3.4 below.

If the crofting community is defined under section 71(5)(b) please complete sections 3.5-3.8 below.

3.2 Please show the crofting community in relation to the land for which consent to purchase is being sought. The map(s) or drawing(s) should be to an appropriate scale and derived from an Ordnance Survey map. Please ensure that the map(s) or drawing(s) are referenced accordingly.

3.3 Please confirm the number of map(s) or drawing(s) being submitted to show the crofting community in relation to the land for which consent to purchase is sought.

3.4 Please confirm under which categories from section 71(5)(a) the members of the crofting community are eligible.

Resident:

Tenants:

Owner-occupiers:

Any others:

3.5 Please specify the definition of crofting community approved by the Scottish Ministers for the purposes of this application.

3.6 Please show the crofting community in relation to the land for which consent to purchase is being sought. The map(s) or drawing(s) should be to an appropriate scale and derived from an Ordnance Survey map. Please ensure that the map(s) or drawing(s) are referenced accordingly.

3.7 Please confirm the number of map(s) or drawing(s) being submitted to show the crofting community in relation to the land for which consent to purchase is sought.

3.8 Please state how the members of the community fall within the definition approved by the Ministers for the purposes of this application.

**SECTION 4A - THE INTERESTS FOR WHICH CONSENT TO PURCHASE SOUGHT: ELIGIBLE CROFT LAND**

4.1 Please mark an "X" to confirm the interests that the CCB wishes to acquire in terms of this application form:

- |                                    |                          |
|------------------------------------|--------------------------|
| Land                               | <input type="checkbox"/> |
| Tenant's interest in tenanted land | <input type="checkbox"/> |
| Salmon fishings                    | <input type="checkbox"/> |
| Mineral rights                     | <input type="checkbox"/> |
| Sporting interests                 | <input type="checkbox"/> |



4.2 The application must be accompanied by one or more maps or drawings which show the location and boundaries of the interest which is the subject of this application.

Please provide a map or drawings which clearly show the location and boundaries of the interest/s. If this application includes salmon fishing rights or mineral rights owned by the same owner as the land, please use a separate plan to indicate the extent of those rights.

4.3 Please confirm the number of maps or drawings being submitted to show the location of the boundaries of the interest/s for which consent to purchase is sought.

4.4 What is the area of land affected by the interest for which consent to purchase is sought? You should provide a separate figure for each interest if more than one is included in this application.

|                                    |                      |
|------------------------------------|----------------------|
| Land                               | <input type="text"/> |
| Tenant's interest in tenanted land | <input type="text"/> |
| Salmon fishings                    | <input type="text"/> |
| Mineral rights                     | <input type="text"/> |
| Sporting interests                 | <input type="text"/> |

4.5 Which Land Registration county is the land located in?

4.6 Please provide a written description of the interests included in this application. Please complete on a separate sheet if necessary, which should be referenced accordingly.

**SECTION 4B - THE INTERESTS FOR WHICH CONSENT TO PURCHASE IS SOUGHT: ELIGIBLE ADDITIONAL LAND**

This section should be completed only where the application includes a request to purchase eligible additional land.

4.7 Please mark an "X" to indicate whether the owner of the eligible additional land has requested that it be purchased.

YES  NO

If "Yes", please provide evidence of that request which should be referenced accordingly.

4.8 Please mark an "X" to indicate whether the owner of the eligible additional land has consented to its purchase.

YES  NO

If "Yes", please provide evidence of that consent and which should be referenced accordingly.

**SECTION 5 – TITLE TO LAND**

5.1 Please confirm which of the following interests the CCB wishes to acquire

Owner's interest in eligible croft land

Tenant's interest in eligible croft land

Owner's interest in eligible additional land

Tenant's interest in eligible additional land

Owner's interest in salmon fishings

Tenant's interest in salmon fishings

Owner's interest in mineral rights

Tenant's interest in mineral rights

Owner's interest in sporting interests

Tenant's interest in sporting interests

If the application is to acquire ownership of the interest, please complete sections 5.2 to 5.8.

If the application is to acquire the tenant's interest, please complete sections 5.2 to 5.9.

5.2 If there is more than one owner listed on the title documentation, please complete the details below for each owner (using separate sheets if necessary), stating on each the capacity in which the owner has rights to the land (eg co-owner or joint owner) and how many other owners have an interest.

Please provide the contact details of the holder of the interest in the eligible croft land and eligible additional land which is the subject of this application. (see also 5.3)

|  |  |
|--|--|
| Type of interest (please X as appropriate) land; tenancy; salmon; minerals<br><br>Name of owner/tenant:<br>Capacity of owner/tenant:<br><br>Contact name:<br>Postal Address:<br>Town:<br>County:<br>Country:<br>Postcode:<br><br>Company no., registration no. or charity no. (if applicable): |  |
|--|--|

5.3 Details of the owner/tenant's agent/representative, if applicable.

|   |  |
|---|--|
| Contact Name:<br>Postal Address:<br>Town:<br>County:<br>Country:<br>Postcode: |  |
|---|--|

5.4 If this application does not seek consent to acquire salmon fishings owned by the owner of the land, please mark an "X" to indicate whether the owner of any land in respect of which consent is sought under this application also owns the salmon fishings on or contiguous with this land?

YES  NO  Not applicable

If "No", please provide details of the ownership of these interests, giving the name of the owner/s, contact name, postal address, town, country, postcode, and company number. registration number, or charity number (if appropriate).

5.5 If this application does not seek consent to acquire mineral rights owned by the owner of the land, please mark an "X" to indicate whether the owner of any land in respect of which consent is sought under this application also owns the mineral rights associated with this land?

YES  NO  Not applicable

If "No", please provide the name of the owner of these interests, giving the name of the owner, contact name, postal address, town, country, postcode, company no. registration no, or charity number (if appropriate).

5.6 Please list the names and addresses of all persons (e.g. any creditor in a standard security over the interest in land (or any part of it) with a right to sell the land or any part of it) who are known to you to have legally enforceable rights and interests in the subjects of the application, in all or part, and detail what rights and interests they have. Please complete on a separate sheet if necessary, which should be referenced accordingly.

5.7 Please advise what steps have been taken, and by whom, to establish-

1. the identity of the owners of the interests to which this application relates and
2. the identity of any creditors in any standard securities over the interests in land to which this application relates

Please provide evidence in respect of each interest in the land (if more than one). Please complete on a separate sheet if necessary which should be referenced accordingly.

5.8 Please state if you are aware if the owner(s) is:

(a) prevented from selling the interest/s which are included in this application; or

YES  NO

(b) subject to any enforceable obligation (other than an obligation arising from any right mentioned in section 84(1) of the 2003 Act), or order of the Land Court, to sell them otherwise than to the CCB.

YES  NO

If you have answered "Yes" to either (a) or (b), please provide evidence to support your answer, which should be referenced accordingly.

5.9 Any application to acquire the tenant's interest requires an application to acquire the land over which the tenant's interest exists. Please mark an "X" in the appropriate box to indicate which application you are also or have submitted to Ministers in respect of the crofting community right to buy provisions of the 2003 Act:

also submitting to Ministers an application for consent to buy eligible croft land etc.

have submitted to Ministers an application for consent to buy eligible croft land etc. for which they have not made a decision.

have submitted an application as the conditions in 69A(4) of the 2003 Act have been met during the relevant period as defined in section 69A(5) of the Act.

**SECTION 6 – CROFTING COMMUNITY SUPPORT**

6.1 Please indicate whether the crofting community for the purposes of this application is defined under section 71(5)(a) of the Act or section 71(5)(b) of the Act.

section 71(5)(a)   
section 71(5)(b)

6.2 Please complete this section if your application proceeds under section 71(5)(a)

Please indicate which members of the crofting community are under each of the categories below.

Please complete on a separate sheet if necessary, which should be referenced accordingly.

Please list the members (names and addresses) who are:

(1) resident in the crofting township situated in or otherwise associated with the croft land which the crofting community has a right to buy under the crofting right to buy provisions, and who are entitled to vote in a local government election;

(2) tenants of crofts in the crofting township whose names are entered in the Crofting Register, or the Register of Crofts, as the tenants of such crofts, and who are entitled to vote in a local government election;

(3) owner-occupier crofters of owner-occupied crofts in the crofting township whose names are entered in the Crofting Register as the owner-occupier crofters of such crofts, and who are entitled to vote in a local government election.

Please complete this section if your application proceeds under section 71(5)(b)

6.3 What is the definition of crofting community applicable to this application?

(a) Please provide evidence of the Ministers' approval of the definition of the crofting community under section 71(5)(b)

(b) Please list the members of the community to whom ballot forms were sent with, if applicable, an explanation as to how those members fall within the definition.

**SECTION 7 – BALLOT RESULT**

7.1 Please mark an "X" in one box to confirm whether notification to the Scottish Ministers of the results of the ballot held under section 75 of the Act are enclosed with this application.

YES  NO



If you have answered "No", please indicate when it was sent to Scottish Ministers.

|                      |
|----------------------|
| Date sent (DD/MM/YY) |
|----------------------|

Note: An application under section 73(2) of the Act must be made within the period of 6 months starting on and including the date of the ballot.

|   |
|---|
| <b>SECTION 8 – PROPOSALS FOR THE LAND TO BE PURCHASED</b> |
|---|

8.1 Please state the proposed use, development and management of the interests in land which is the subject of this application. Please continue on a separate sheet if necessary, which should be referenced accordingly.

|                      |
|----------------------|
| <br><br><br><br><br> |
|----------------------|

8.2 Please mark an "X" in one box to confirm whether there is any other land owned by the owner of the eligible croft land, or eligible additional land as appropriate to this application and any business on such land that may be affected if this application is granted.

YES  NO

|                                  |
|----------------------------------|
| If "Yes", please provide details |
|----------------------------------|

8.3 Please explain the extent to which the proposed use, development and management of each of the following to which this application relates, would further the achievement of sustainable development:

(i) the eligible croft land/eligible additional land included in this application;

(ii) any salmon fishings, mineral rights or sporting interests included in this application;

(iii) any land or sporting interests previously acquired by the crofting community body; and

(iv) any tenant's interest in the land included in this application

8.4 Please mark an "X" to indicate whether you consider that the amount of land being acquired is sufficient to support any salmon fishings to be exploited so that they will support the development of the crofting community.

YES  NO  Not applicable

If "Yes", please provide details of how that support is to be achieved

8.5 Please mark an "X" to indicate whether you consider that the amount of land being acquired is sufficient to support any mineral rights to be exploited so that they will support the development of the crofting community.

YES  NO  Not applicable

If "Yes", please provide details of how that support is to be achieved

8.6 Please mark an "X" to indicate whether you consider that the amount of land being acquired is sufficient to support any sporting interests to be exploited so that they will support the development of the crofting community.

YES  NO  Not applicable

If "Yes", please provide details of how that support is to be achieved

**SECTION 9 – PUBLIC INTEREST**

9.1 Please provide an explanation as to why the CCB considers that it is in the public interest that the right to buy be exercised. Please continue on a separate sheet if necessary, which should be referenced accordingly.

**SECTION 10 - DECLARATION**

- We, the undersigned, have been authorised by the CCB to provide the information in this form, the proposals detailed within it and any supporting documents.
- The CCB understands that, if it makes any inaccurate statements or provides inaccurate information (deliberate or accidental) at any stage during the crofting community right to buy process, or if it knowingly withholds any information, this could result in Scottish Ministers deciding not to consent to its application.
- The CCB has not altered or deleted the wording of this form.
- The CCB understands that it requires each signatory (2 board members or charity trustees) to this form to provide his/her full names and addresses for the

- purposes of prevention and detection of fraud.
- The CCB confirms that it is still a crofting community body within the requirements of subsection (1), (1A) or (1B) of section 71 of the Land Reform (Scotland) Act 2003.
- The CCB understands that this form and supporting documents may appear in the Register of Crofting Community Rights to Buy.
- We, the undersigned, have read and understand the terms of this declaration.

|   |
|---|
| <p>We, the undersigned, on behalf of the crofting community body as noted at section 1, apply for consent to an application for consent to buy croft land etc. under section 73(2) of the Land Reform (Scotland) Act 2003.</p> <p>Name .....</p> <p>Address .....</p> <p>Date .....</p> <p>Position .....</p> <p>Signature .....</p><br><p>Name .....</p> <p>Address .....</p> <p>Date .....</p> <p>Position .....</p> <p>Signature .....</p> |
| <p>For more information and guidance on the crofting community right to buy (including where to post this form), please visit <a href="http://www.gov.scot">www.gov.scot</a> and search for "crofting community right to buy".</p> <p>You can also email the completed form and associated documents to <a href="mailto:crtb@scotland.gov">crtb@scotland.gov</a></p>  |

**Notice under section 82 of the Land Reform (Scotland) Act 2003 of Scottish  
Ministers' Decision**

The Scottish Ministers ("Ministers") have received the application by [*enter name of crofting community body*] for consent to exercise the right to buy [*enter full description of the land*] in terms of Part 3 of the Land Reform (Scotland) Act 2003 ("the Act").

Having considered the information provided, Ministers have decided [to give consent/refuse consent – *please delete as appropriate*] to [*enter name of crofting community body*] to exercise a right to buy in relation to the land that forms the subject of the application. This decision is dated [*state date of decision*] ("the Decision Date"). This notice states the reasons for that decision.

*[Insert reasons for deciding that consent is given/is refused][Please delete as appropriate]*

**Conditions** [*where appropriate*]

\*Ministers' consent to the application made under section 73(2) of the Act is subject to the following conditions.

*[Insert any conditions imposed under section 80 of the Act]*

**Effect of Ministers' Decision**

If Ministers approve the crofting community body's application under section 73 of the 2003 Act, any right of pre-emption, redemption or reversion otherwise exercisable over the land or sporting interests which are the subject of the application by the crofting community body (including any rights conferred under Part 2 of the 2003 Act or section 12 of the Crofters (Scotland) Act 1993 (Rights of crofters and cottars to acquire their subjects, General provision)) is suspended from the Decision Date.

Any right of pre-emption, redemption or reversion otherwise exercisable over the land or sporting interests which are the subject of the application by the crofting community body is revived:

- When the transfer under Part 3 of the Act of the land or sporting interests to the crofting community body is completed; or
- If such a transfer is not completed because the body does not (by virtue of withdrawing under section 85 its application under section 73 or its confirmation of its intention to proceed to buy or for any other reason ) proceed to buy the land or the sporting interests.

\*The following may, by virtue of section 91(1) and (2) of the Act (Appeals), appeal to the sheriff against a decision by Ministers to consent to an application by a crofting community body to exercise a right to buy eligible croft land or sporting interests

\* the owner of land to which the application under section 73 relates

\* the person entitled to the sporting interests to which the application under section 73 relate

\* the tenant of land to which an application under section 69A relates

\* any person who is a member of the crofting community defined in relation to the applicant crofting community body

\* any person who has any interest in the land, lease or sporting interests giving rise to a right which is legally enforceable by that person;

\* any person who was invited under section 73(8)(a) to send views to the Scottish Ministers on the application.

\*A crofting community body may, by virtue of section 91(3) of the Act (Appeals), appeal to the sheriff against a decision by Ministers not to consent to its application.

An appeal under section 91 of the Act must be lodged within 28 days of the Decision Date.

\*Any person (other than a crofting community body) who has incurred loss or expense in complying with the procedural requirements of Part 3 of the Act, where consent has not been granted is, by virtue of section 89 of the Act (compensation), entitled to compensation from Ministers of such amount as Ministers may determine.

\*Any person (other than a Part crofting community body) who has incurred loss or expense in complying with the procedural requirements of Part 3 of the Act, where consent has been granted is, by virtue of section 89 of the Act (compensation), entitled to compensation from the crofting community body.

\* Ministers have granted their consent to the application. Accordingly, and by virtue of section 86 of the Act (completion of purchase), the owner of the land is obliged to make available to the crofting community body such deeds and other documents as are sufficient to enable the body to proceed to complete its title to the land, and to transfer title accordingly.

*\*Delete as appropriate.*



**Land Reform (Scotland) Act 2003  
Part 3: Crofting Community Right to Buy**

**Form of publication of ballot result**

**Notes:**

1. This form is to be used by a crofting community body that intends to make an application to Ministers under section 73 of the Land Reform (Scotland) Act 2003 ("the Act") for consent to:-
  - exercise a right to buy eligible croft land;
  - or a tenant's interest in eligible croft land

under Part 3 of the Act for the purpose of publishing the result of the ballot that the crofting community body has conducted under section 75 of the Act to seek community approval in relation to its proposal to exercise the right to buy the eligible croft land or tenant's interest in eligible croft land.
2. The result of the ballot must be published no later than 14 days beginning with the ballot deadline within the meaning given in regulation 6(3)(b) of the Crofting Community Right to Buy (Procedure, Ballots and Forms) (Scotland) Regulations 2020.
3. You may download this form and complete it manually or electronically.
4. If you complete the form manually, please do so using black or blue ink and capital letters.
5. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please -
  - indicate on the form where any answer is given or continued on a separate sheet,
  - indicate on each separate sheet the question number(s) to which it relates.
6. For more information and guidance on the community right to buy for sustainable development, please visit [www.gov.scot](http://www.gov.scot) and search for "right to buy".



Form of publication of the result of the ballot

**1** The name of the crofting community body to which the result of the ballot relates.

**2** A description of the land, interest in land or the land to which the tenant's interest relates, to which the result of the ballot relates.

**3** The ballot deadline within the meaning given in regulation 6(3)(b) of the Crofting Community Right to Buy (Procedure, Ballots and Forms) (Scotland) Regulations 2020.

**4** Number of  
(a) persons, and  
(b) tenants of a croft within the definition in section 75(5) of the Act,  
eligible to vote in the ballot.

  
(a)  
(b)

**5** Number of  
(a) persons, and  
(b) tenants of a croft within the definition in section 75(5) of the Act,  
who voted in the ballot.

**6** The number of valid votes respectively cast for and against the proposition that the crofting community body buy the land, interest in land or the tenant's interest in the land.

FOR

- (a) overall
- (b) by tenants of a croft

AGAINST

- (a) overall
- (b) by tenants of a croft



**Land Reform (Scotland) Act 2003: Part 3  
Crofting Community Right to Buy**

**Ballot to indicate approval of the crofting community  
Form of return – section 75(4)**

Notes:

1. This form is to be used by a crofting community body that intends to make an application to Ministers under section 73(2) of the Land Reform (Scotland) Act 2003 (“the Act”) for consent to:-
  - exercise a right to buy eligible croft land;
  - or a tenant’s interest in eligible croft land

under Part 3 of the Act for the purpose of notifying the Scottish Ministers of the result of the ballot that the crofting community body has conducted under section 74 and 75 of the Act to seek community approval in relation to its proposal to exercise the right to buy the eligible croft land or tenant’s interest in eligible croft land.
2. The result of the ballot must be notified to the Ministers not less than 21 days beginning with the ballot deadline within the meaning given in regulation 6(3)(b) of the Crofting Community Right to Buy (Procedure, Ballots and Forms) (Scotland) Regulations 2020.
3. You may download this form and complete it manually or electronically.
4. If you complete the form manually, please do so using black or blue ink and capital letters.
5. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please –
  - indicate on the form where any answer is given or continued on a separate sheet,
  - indicate on each separate sheet the question number(s) to which it relates.
6. For more information and guidance on the community right to buy for sustainable development, please visit [www.gov.scot](http://www.gov.scot) and search for “right to buy”.

1. What is the name of the crofting community body to which the ballot return relates?

2. What was the ballot deadline within the meaning of regulation 6(3)(b) of the Crofting Community Right to Buy (Procedure, Ballots and Forms) (Scotland) Regulations 2020?

3. What was the wording of the proposition that was put to the community in the vote on whether to acquire the eligible croft land?

4. Did the crofting community vote in favour of the proposal to acquire the land or interest?

5. How many persons were eligible to vote in the ballot?

6. How many of those eligible persons to vote are tenants of a croft as defined in section 75(5) of the Act?

7. How many persons voted?

8. How many proxy votes were cast?

9. How many votes were spoilt?

10. What was the number of votes cast overall in favour of the proposal to buy eligible croft land, as appropriate?

11. What was the number of votes cast by tenants of crofts as defined in section 75(5) of the Act?

12. What was the number of votes cast by tenants of crofts as defined in section 75(5) of the Act in favour of the proposal to buy the eligible croft land, as appropriate?

13. Please provide details of any information that was provided by the CB to the persons eligible to vote in the ballot. If separate sheets are attached they must be referenced accordingly.

14. Please ask the observer who was appointed to oversee the counting of the votes made on the completed ballot papers and the recording of the result in accordance with regulation 8 of the Crofting Community Right to Buy (Procedure, Ballots and Forms) (Scotland) Regulations 2020 to read and sign the declaration below.

I, the undersigned, confirm that I oversaw the counting of the votes made on the completed ballot papers and the recording of the result of the ballot to which this form relates.

Name:  
Address:  
Telephone:  
Email:  
Date:  
Signature .....

15. Please provide the name, address, telephone number, email address and position of the member of the CB making this return and sign and date the form where indicated.

Name:  
Address:  
Telephone:  
Email:  
Date:  
Position:  
Signature:



**Land Reform (Scotland) Act 2003**  
**Part 3: Crofting Community Right to Buy**

**Application for a grant towards a crofting community body's  
liabilities to pay compensation**

Notes:

1. This form is to be used by a crofting community body that intends to make an application to Ministers under section 90 of the Land Reform (Scotland) Act 2003 ("the Act") for a grant towards the crofting community body's liability to pay compensation arising out of an application under Part 3 of the Act in relation to its proposal to exercise the right to buy the eligible croft land or tenant's interest in eligible croft land.
2. You may download this form and complete it manually or electronically.
3. If you complete the form manually, please do so using black or blue ink and capital letters.
4. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please -
  - o indicate on the form where any answer is given or continued on a separate sheet,
  - o indicate on each separate sheet the question number(s) to which it relates.
5. For more information and guidance on the community right to buy for sustainable development, please visit [www.gov.scot](http://www.gov.scot) and search for "right to buy".

**SECTION 1 – WHO IS APPLYING**

1.1 Name of crofting community body (“CCB”) applying for a grant towards a community body’s liabilities to pay compensation.

|  |
|--|
|  |
|--|

**SECTION 2 – DETAILS OF WHO IS APPLYING**

2.1 Please supply the official registered or principal office of the CCB.

|  |  |
|--|--|
| Postal address:<br>Town:<br>County:<br>Country:<br>Postcode: |  |
|--|--|

2.2 Please supply the address the CCB wishes correspondence in relation to this grant to be issued to.

|   |  |
|---|--|
| Contact name:<br>Postal address:<br>Town:<br>County:<br>Country:<br>Postcode:<br>Telephone:<br>Email: |  |
|---|--|



2.3 Please mark an "X" in the relevant box to confirm the type of CCB and its official number.

|                          |   |                      |
|--------------------------|---|----------------------|
| <input type="checkbox"/> | Company Limited by Guarantee (CLBG) and its company number is:                  | <input type="text"/> |
| <input type="checkbox"/> | Scottish Charitable Incorporated Organisation (SCIO) and its charity number is: | <input type="text"/> |
| <input type="checkbox"/> | Community Benefit Company (BenCom) and its registration number is:              | <input type="text"/> |

2.4 Please provide a list of the names and addresses of each of the board members, trustees or committee members in the CCB. You should also state whether they have any special positions (eg. Chair, Treasurer). You should identify the Treasurer.

2.5 Please provide a copy of the last financial statement of the CCB. This financial statement should be prepared by a professional accountant certifying details of the finances of the CCB and signed by that accountant and the Treasurer of the CCB. You should ensure that it is referenced accordingly.

Please confirm the name of the attachment for your signed financial return.

2.6 Please provide a copy of the most recent bank or building society statement, as applicable, of the CCB. You should ensure that it is signed by the Treasurer of the CCB. You should ensure that it is referenced accordingly.

Please confirm the name of the attachment for the signed financial return.

**SECTION 3 – DETAILS OF APPLICATIONS UNDER SECTION 73**

3.1 Please state the date on which an application made by the CCB under section 73(2) of the Act was approved by Scottish Ministers (DD/MM/YY).

3.2 Please state the date on which the CCB undertook one of the three actions that is relevant to its application.

the date on which the CCB acquired the land through the exercise of a community right to buy the eligible croft land, eligible additional land, salmon fishings on or contiguous with this land, mineral rights, and eligible sporting interests under the provisions of this Act; or

the date on which the CCB withdrew its confirmation of the intention to proceed with the purchase under section 85(2)(a); or

The date on which the CCB's application was treated as withdrawn under section 85(2)(b).

3.2 Please state the date on which the CCB acquired the eligible croft land, eligible additional land, salmon fishings on or contiguous with this land, mineral rights, and eligible sporting interests through the exercise of a crofting community right to buy under the provisions of this Act.

3.3 If the purchase was not concluded by the CCB, please explain the reasons for this.

|   |
|---|
| <b>SECTION 4 – COMPENSATION BEING SOUGHT FROM THE CROFTING COMMUNITY BODY</b> |
|---|

4.1 Please supply the names and addresses of the person(s) (claimants) that have sought compensation from the CCB. If there is an insufficient number of boxes, you should supply the names and addresses of any further persons on additional sheet(s), referencing them appropriately.

|   |  |
|---|--|
| Contact name:<br>Postal address:<br>Town:<br>County:<br>Country:<br>Postcode:<br>Telephone:<br>Email: |  |
|---|--|

Total number of claimants who are seeking compensation.

4.2 Please provide details of the compensation being sought from the CCB by the claimants. If you have a number of claimants, you should provide details for each one. For each claimant you should set out the full sum claimed, and provide a breakdown of that claim, setting out whether the loss of expense falls which is being claimed for within paragraph (a), (b), or (c) of section 89(1) of the Act. Please continue on a separate sheet if required, ensuring that it is referenced accordingly.

|  |  |
|--|--|
| Claimant name:<br>Full sum claimed:<br>Breakdown of sum:<br><br>Section 89(1)(a), (b), (c) |  |
|--|--|

4.3 Please attach copies of all correspondence between the CCB and each of the claimants that sought compensation.

Please list the correspondence that has been enclosed by the CCB, which should be referenced accordingly.

4.4 If the matter of whether compensation is payable or as to the amount of any compensation has been referred to the Land Court for determination, please attach the Court's Order and decision. Please ensure that the determination is referenced accordingly.

Please confirm the name of the document(s) enclosed.

**SECTION 5 – COMPENSATION SOUGHT BY THE CROFTING COMMUNITY BODY**

5.1 Please state the total amount of grant being sought by the CCB.

5.2 Please explain how this sum has been calculated by the CCB. You should provide a breakdown of the compensation that has been agreed with each of the claimant(s), also setting out each item that has been agreed, and whether the loss of expense falls within paragraph (a), (b), or (c) of section 89(1). Please continue on a separate sheet if required, which should be referred accordingly.

If this application is one for a sum or a part of a sum that has been determined by the Land Court, please provide a copy of the Land Court's decision.

5.3 Please give details of the account into which any grant is to be paid.

5.4 Please provide details of all reasonable steps the CCB has made to try to raise and secure funding to pay the compensation. Please continue on a separate sheet if required, ensuring that it is referenced accordingly. Any attachments in support of your explanation should be referenced accordingly.

**SECTION 6 – DECLARATION**

There are two declarations to be signed by the CCB in relation to this application for a grant towards a crofting community's liabilities to pay compensation. The CCB should sign and date each declaration.

(1) Declaration on the use of the grant

|  |       |
|--|-------|
| We, the undersigned director(s) or charity trustee(s) of the CCB named in section 1 of this form, undertake that the grant provided by Scottish Ministers, which has been granted in relation to this application, will be used only in respect of compensation sought under section 89(1) of the Land Reform (Scotland) Act 2003. |       |
| Name   | ..... |
| Address  | ..... |
| Date   | ..... |
| Position   | ..... |
| Signature  | ..... |
|  |       |
| Name   | ..... |
| Address  | ..... |
| Date   | ..... |
| Position   | ..... |
| Signature  | ..... |

(2) General declaration

- We, the undersigned, have been authorised by the crofting community body to provide the information in this form, the proposals detailed within it and any supporting documents.
- The CCB understands that, if it makes any inaccurate statements or provides inaccurate information (deliberate or accidental) at any stage during the application process towards a crofting community body's liabilities to pay compensation, or if it knowingly withholds any information, this could affect the grant that is awarded by Scottish Ministers.
- The crofting community body has not altered or deleted the wording of this form.
- The crofting community body understands that it requires each signatory (2 board members or charity trustees) to this form to provide his/her full names and address for the purposes of prevention and detection of fraud.
- The crofting community body confirms that it is still a crofting community body within the requirements of subsection (1), (1A) or (1B) of section 71 of the Land Reform (Scotland) Act 2003.
- We, the undersigned, have read and understand the terms of this declaration.

|   |       |
|---|-------|
| We, the undersigned, on behalf of the crofting community body as noted at section 1, apply for a grant towards a crofting community body's liabilities to pay compensation under section 90 of the Land Reform (Scotland) Act 2003. |       |
| Name  | ..... |
| Address   | ..... |
| Date  | ..... |
| Position  | ..... |
| Signature   | ..... |

|                 |
|-----------------|
| Name .....      |
| Address .....   |
| Date .....      |
| Position .....  |
| Signature ..... |

For more information and guidance on the crofting community right to buy (including where to post this form), please visit [www.gov.scot](http://www.gov.scot) and search for "crofting community right to buy".

You can also email the completed form and associated documents to [crtb@scotland.gov](mailto:crtb@scotland.gov)

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in connection with the right of crofting communities to buy the land they occupy under Part 3 of the Land Reform (Scotland) Act 2003 (“the 2003 Act”). The Regulations implement the changes to the procedures brought in by the Community Empowerment (Scotland) Act 2015.

Part 2 of these Regulations concerns the procedure to be followed where a crofting community body wishes to apply to Ministers for a right to buy under section 73(2) of the 2003 Act.

Regulation 2 provides that the application must be in the form specified in schedule 1 and include or be accompanied by information where specified in that schedule.

Regulation 3 provides specification for maps, plans or other drawings submitted with the application specified in schedule 1.

Regulation 4 sets out the manner in which an application for a right to buy croft land must be publicly notified by the Scottish Ministers as required by section 73.

Regulation 5 specifies the means by which the Scottish Ministers’ decision must be notified in the form specified in schedule 2.

Part 3 of these Regulations concerns the ballot that must be held by the crofting community body in the six months preceding the submission of an application, as required by section 75 of the Act.

Regulation 6 provides that the ballot must be conducted in a fair and reasonable manner and as a secret postal ballot. It also requires a crofting community body to ascertain all eligible voters in the community and send them a ballot paper containing the question on which the vote is to be taken, notice of the ballot deadline, a stamped addressed envelope and certain other information about the crofting community body and its proposal.

Regulation 7 specifies that a person eligible to vote in the ballot may request to be permitted a proxy vote and sets out the requirements for making such a request. The crofting community body must permit a proxy vote to a person who makes a valid request.

Regulation 8 requires the crofting community body to appoint an observer to oversee the counting of the completed ballot papers and the recording of the result. The observer must be an individual who is independent of the crofting community body and must sign a declaration that the person observed the counting and recording of the votes. The declaration is contained in schedule 4.

Regulation 9 specifies the procedure for publication of the ballot result.

Regulation 10 provides that the Scottish Ministers must be notified of the ballot result as required by section 75(4) of the 2003 Act in the form specified in schedule 4.

Regulation 11 requires that the crofting community body retains evidence –

- that, in the course of running the ballot, it complied with regulation 6,
- of all requests for a proxy vote and all proxy votes made under regulation 7, and
- of all completed and returned ballot papers,

for two years after the ballot deadline.

Part 4 of these Regulations concerns the process for application for reimbursement of the costs of running the ballot and the circumstances in which reimbursement will be made.

Regulation 12 provides that a crofting community body may apply for reimbursement of the expense of conducting a ballot and provides for the timescale for doing so depending on the circumstances.

Regulation 13 specifies the information that must be included in the crofting community body’s application for reimbursement of the expenses of conducting a ballot.



Regulation 14 provides that the Scottish Ministers may, within the period of 30 days after an application under regulation 12 is received, request further information from the crofting community body. The crofting community body then has 7 days in which to respond with the information requested or with an explanation as to why the additional information cannot be provided.

Regulation 15 provides that in the period of 60 days beginning on the date the application under regulation 12 is received, Ministers must calculate the amount, if any, to be reimbursed to the crofting community body. Only expenses that were incurred in the conduct of the ballot which are directly attributable to the activities specified in regulation 6 may be reimbursed and only provided they were not incurred retrospectively.

Regulation 16 provides that the crofting community body may appeal a decision on reimbursement to the Lands Tribunal and sets out the timescales for doing so and the steps the Lands Tribunal may take.

Part 5 of these Regulations concerns grant payments towards compensation due by the crofting community body. The circumstances in which compensation may be paid and the amounts of compensation due are set out in the Crofting Community Right to Buy (Compensation) (Scotland) Order 2004 (S.S.I. 2004/226).

Regulation 17 makes provision in connection with an application for a grant under section 90 of the 2003 Act.

Part 6 of these Regulations concerns revocations, savings and transitional provisions.

Regulation 18 revokes the Crofting Community Body (Prescribed Form of Application and Notice) (Scotland) Regulations 2009, the Crofting Community Right to Buy (Grant Towards Compensation Liability) (Scotland) Regulations 2004 and the Crofting Community Right to Buy (Ballot) (Scotland) Regulations 2004.

Regulation 19 provides that where an application is received by the Scottish Ministers before 1 December 2020 and a decision has not been made on the application by that date, the regulations referred to in regulation 18 continue to apply.

Regulation 20 provides that where a crofting community body has carried out a ballot of the community in terms of the Crofting Community Right to Buy (Ballot) (Scotland) Regulations 2004 in the six months immediately preceding 1 December 2020 and a connected application is made under section 73(2) on or after that date, the ballot carried out under those regulations will be treated as one carried out under regulations 6 to 10.

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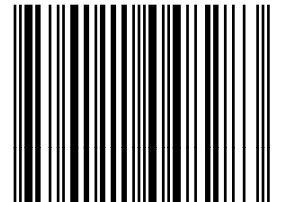
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