

POLICY NOTE

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

SSI 2020/451

The above instrument was made in exercise of the powers conferred by sections 73(5), 73(11), 75(2), (6), (7) and (11), 75(4), 82(1) and (2), 90(6) and 98(3) of the Land Reform (Scotland) Act 2003. The instrument is subject to negative procedure.

Purpose of the instrument.

This instrument bring into force, the changes made in the Community Empowerment (Scotland) Act 2003. These are to simplify the procedures and to bring them in line, where applicable, with the other community rights to buy for consistency.

Policy Objectives

There are several objectives that will be met with this instrument.

First of all, it amends the application form to bring it in line with the other community rights to buy, for consistency.

It also simplifies the mapping and notification of application requirements.

It brings the ballot requirements in line with the other rights to buy, where applicable.

It allows community bodies to claim expenses incurred in relation to the ballot, in line with other rights to buy. This also includes the right for Ministers to request additional information before making a decision on reimbursement, sets the timetable for such claims, and allows for an appeal of the decision on such applications.

Finally, it creates a form for community bodies to make an application for reimbursement of ballot expenses.

Consultation

As these regulations were implementing the primary legislation that came into force in 2016, and the number of cases is very, very small, no further consultation was undertaken beyond that done as part of the Community Empowerment (Scotland) Act 2015.

At that time, a call for evidence, published on 13 October 2014, sought views from key stakeholders on these proposed amendments. This was followed by a number of face-to-face meetings with key stakeholders which took place in Edinburgh, Inverness, Isle of Harris and Kyle of Lochalsh during December 2014. At a stakeholder evidence session for the Parliamentary Committee on 18 February 2015, all stakeholders were in agreement with the

changes being made, as well as the level of consultation undertaken and at the following stage of the Bill, no amendments were made, other than by the Minister.

Impact Assessments

There have been a total of 2 cases which have used the Crofting Community Right to Buy regulations since 2003. Neither of these applications completed the full process within the legislation, both opting to negotiate a sale outwith the regulations.

The regulations are making minor amendments to the existing process, simplifying the requirements and bringing them into line with the other rights to buy.

This will affect a very small number of community bodies, and even then, only to a minor extent.

As a result, it was felt that no impact assessment were necessary.

Financial Effects

The Cabinet Secretary for Rural Affairs, Climate Change and Land Reform confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Community Land Team
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