



# Transfer of Crofting Estates (Scotland) Act 1997

## 1997 CHAPTER 26

### 5 Rights of pre-emption.

- (1) Where the Secretary of State disposes of any property under this Act, any right of pre-emption in respect of the property shall, by virtue of this section, be extinguished for all time coming.
- (2) Where the Secretary of State has disposed of any property under this Act he shall advertise the disposal in such manner as appears to him to be appropriate.
- (3) Where, within four months of the publication of an advertisement under subsection (2), no claim for compensation has been intimated to the Secretary of State by a person who is entitled to exercise a right of pre-emption in respect of the property, no compensation shall be payable in respect of the extinction of the right.
- (4) Where a claim for compensation is made within the period of four months the Secretary of State shall notify the claimant that he accepts or rejects the claim; and where the Secretary of State rejects a claim, the claimant may, within a period of six weeks from the date of notification of the rejection, apply to the Scottish Land Court for a determination that the claim is valid.
- (5) Where a claim for compensation is accepted by the Secretary of State or held to be valid by the Scottish Land Court the claimant shall be entitled to compensation of such amount—
  - (a) as may be agreed between him and the Secretary of State; or, failing such agreement,
  - (b) as may be found to be just by the Scottish Land Court on an application made by the claimant or the Secretary of State.
- (6) Subject to subsection (7), the Scottish Land Court shall have jurisdiction to determine all questions arising under this section.

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**Changes to legislation:** *There are currently no known outstanding effects for the Transfer of Crofting Estates (Scotland) Act 1997, Section 5. (See end of Document for details)*

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- (7) No failure or omission of the Secretary of State or any other person to comply with any provision of this section shall affect the title to any property disposed of by the Secretary of State under this Act.
- (8) In this section “right of pre-emption” includes any such right created by any enactment, rule of law or in any document.

**Changes to legislation:**

There are currently no known outstanding effects for the Transfer of Crofting Estates (Scotland) Act 1997, Section 5.