

CROFTING REFORM (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 5 – General and Miscellaneous

Section 51: Duty to report to the Scottish Parliament

132. This section requires the Scottish Ministers to lay before Parliament, once every 4 years, a report on the economic condition of crofting, the measures taken by the Scottish Ministers and the Commission to support crofting, and the further measures that the Scottish Government intends to take to address the economic condition of crofting. Subsection (2) requires the first report to be laid within 6 months of the Bill being passed by Parliament and subsection (3) defines “reporting period” as being, for the first report, the 4 year period prior to the date of the first report being laid, with subsequent reports covering the 4 year period since the last report.

Section 52: Pre-consolidation modifications of enactments relating to crofting

133. This section of the Act allows the Scottish Ministers, by order, to make modifications of enactments relating to crofting which they consider facilitate, or are desirable for, consolidating the law on crofting. Subsection (2) prevents the Scottish Ministers from making such an order unless a crofting consolidation bill has been introduced to the Scottish Parliament. Subsection (3) will result in the order modifying enactments coming into force immediately before the commencement of a consolidation Act resulting from such a Bill.

Section 53: Subordinate legislation

134. This section of the Act sets out the procedures by which the Scottish Ministers will be able to exercise powers that the Act gives them to make subordinate legislation. All regulations, rules and orders will be made by statutory instrument. Subsection (5) sets out the procedure that must be followed before a pre-consolidation order under section 52(1) may be laid before the Scottish Parliament and subsection (6) requires such an order to be laid for a minimum of 60 days, including 30 days in which the Scottish Parliament is not dissolved or in recess.

Section 54: Ancillary provision

135. This section of the Act enables the Scottish Ministers to make incidental, supplementary and consequential provision by order if they consider it to be appropriate for the purposes of the Act or to be in consequence of, or for giving full effect to, any provision of the Act. Subsection (2) allows for such an order to modify any enactment, including the Act itself.

Section 55: Minor and consequential amendments and repeals

136. This section gives effect to schedule 4 of the Act, which contains minor and consequential amendments and repeals of other legislation.

Section 56: Interpretation

137. This section defines a number of expressions as they are used in the Act.

Section 57: Short title, commencement and Crown application

138. This section provides for the Act to come into effect on a day or days appointed by order by the Scottish Ministers.