

*Status: Point in time view as at 30/11/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, SCHEDULE 4. (See end of Document for details)*

## SCHEDULE 4

*(introduced by section 55)*

### MINOR AND CONSEQUENTIAL MODIFICATIONS

#### *Small Landholders (Scotland) Act 1911*

- 1 (1) The Small Landholders (Scotland) Act 1911 (c.49) is amended as follows.
- (2) In section 10 (additional statutory conditions), after subsection (2) insert—
  - “(2A) Where the holding of a new holder as mentioned in the further proviso to subsection (2) is situated in an area designated by order under section 3A(1)(b) of the Crofters (Scotland) Act 1993 (c.44) (new crofts), the reference to the Board in that subsection is to be construed as a reference to the Crofting Commission.”.
- (3) In section 16 (amendment of law as to enlargement of holdings)—
  - (a) in the proviso to subsection (1)—
    - (i) after “Board”, where it first occurs, insert “ (or, in the case of applications mentioned in subsection (1A), the Crofting Commission) ”; and
    - (ii) after “Board”, where it second occurs, insert “ (or, as the case may be, the Crofting Commission) ”; and
  - (b) after that subsection, insert—
    - “(1A) The applications referred to in subsection (1) which are to be made to the Crofting Commission are those for enlargement of holdings situated in an area designated by order under section 3A(1)(b) of the Crofters (Scotland) Act 1993 (c.44) (new crofts).”.
- (4) In section 17 (amendment of law as to vacant holdings)—
  - (a) the existing provision becomes subsection (1) of that section; and
  - (b) after that subsection add—
    - “(2) In the application of subsection (1) to holdings situated in an area designated by order under section 3A(1)(b) of the Crofters (Scotland) Act 1993 (c.44) (new crofts), references to the Board are to be construed as references to the Crofting Commission.”.
- (5) In section 32 (provisions as to statutory small tenants)—
  - (a) in subsection (3), after “Board” insert “ or, in the case of a holding mentioned in subsection (3A), the Crofting Commission ”;
  - (b) after that subsection, insert—
    - “(3A) The holding referred to in subsection (3) is a holding situated in an area designated by order under section 3A(1)(b) of the Crofters (Scotland) Act 1993 (c.44) (new crofts).”; and
  - (c) after subsection (12), insert—
    - “(12A) In the application of subsection (12) to landlords and tenants of holdings situated as mentioned in subsection (3A), the reference to the Board is to be construed as a reference to the Crofting Commission.”.

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**Commencement Information**

**II** Sch. 4 para. 1 in force at 22.12.2010 by S.S.I. 2010/437, art. 3, Sch. (with art. 4)

*Succession (Scotland) Act 1964*

- 2 (1) The Succession (Scotland) Act 1964 (c.41) is amended as follows.
- (2) In section 16 (provisions relating to leases)—
- (a) in subsection (2A)—
    - (i) paragraph (a) and the word “and” immediately following it are repealed; and
    - (ii) in paragraph (b), for the words from “other” to “subsection”, substitute “lease (other than the lease of a croft within the meaning of section 3(1) of the Crofters (Scotland) Act 1993 (c.44))”;
  - (b) in subsection (3)(b)—
    - (i) at the beginning insert “subject to subsection (3A)”; and
    - (ii) sub-paragraph (ib) is repealed; and
  - (c) after subsection (3) insert—
 

“(3A) In the case of an interest in an agricultural lease which is a lease of a croft within the meaning of section 3(1) of the Crofters (Scotland) Act 1993 (c.44), the period for the purposes of subsection (3)(b) is 24 months.”.
- (3) Section 16A(application of section 58A of the 1993 Act to applications for consent under section 16(2A)) is repealed.

**Commencement Information**

**I2** Sch. 4 para. 2 in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), Sch. Pt. 1 (with art. 4)

*Crofters (Scotland) Act 1993*

- 3 (1) The 1993 Act is amended as follows.
- (2) In section 1 (constitution and general functions of the Crofters Commission), subsections (4) and (5) are repealed.
- (3) In section 2 (particular powers and duties of the Commission), the following are repealed—
- (a) in subsection (1)—
    - (i) the word “developing”; and
    - (ii) in paragraph (a), the words from “, the improvement” to the end; and
  - (b) subsections (2) and (4).
- (4) In section 3A (new crofts), paragraph (a) of subsection (12) is repealed.
- (5) In section 4A (exchange of crofts)—
- (a) after subsection (2), insert—

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- “(2A) Where consent is applied for under subsection (1) in relation to an unregistered croft (or any part of such a croft), the Commission—
- (a) may not grant that consent unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application for consent was made;
  - (b) need not, during that 6 month period, consider the application for consent until an application for first registration of the croft is submitted.
- (2B) In relation to a registered croft, or any part of such a croft, (other than a first registered croft)—
- (a) any consent of the Commission to the exchange of the croft expires at the end of the period of 3 months beginning with the date on which such consent was given unless an application for registration of the exchange of the croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
  - (b) the exchange takes effect on the date of registration.”; and
- (b) subsection (3) is repealed.
- (6) In section 5 (the statutory conditions), subsections (1A), (2A), (2B) and (7) to (10) are repealed.
- (7) In section 5A (complaint of breach of statutory conditions), in subsection (2)(a)(ii), for “section 5B” substitute “ section 26C ”.
- (8) In section 8 (assignment of croft)—
- (a) after subsection (1) insert—
- “(1A) Where a crofter applies for consent to assign a croft by virtue of subsection (1), the crofter must
- (a) notify the Commission as to where the proposed assignee would intend, following any such assignment, ordinarily to reside; and
  - (b) provide the Commission with any other information it requests in connection with the application.
- (1B) Where consent is applied for under subsection (1) in relation to an unregistered croft, the Commission—
- (a) may not grant that consent unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application for consent was made;
  - (b) need not, during that 6 month period, consider the application for consent until an application for first registration of the croft is submitted.”;
- (b) subsection (2) is repealed;
- (c) in subsection (6), at the beginning, insert “ In relation to an unregistered croft or a first registered croft, ”; and
- (d) after that subsection insert—

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- “(6A) In relation to a registered croft (other than a first registered croft)—
- (a) any consent of the Commission given under this section to an assignation expires at the end of the period of 3 months beginning with the date on which such consent was given unless an application for registration of the assignation is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
  - (b) the assignation takes effect on the date of registration.”.
- (9) In section 9 (division of croft)—
- (a) after subsection (1) insert—
 

“(1A) Where consent is applied for under subsection (1) in relation to an unregistered croft, the Commission—

    - (a) may not grant that consent unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application for consent was made;
    - (b) need not, during that 6 month period, consider the application for consent until an application for first registration of the croft is submitted.”;
  - (b) subsection (2) is repealed; and
  - (c) for subsection (3), substitute—
 

“(3) In relation to a registered croft (other than a first registered croft)—

    - (a) any consent of the Commission given under this section to a division of the croft expires at the end of the period of 3 months beginning with the date on which such consent was given unless an application for registration of the division is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
    - (b) the division takes effect on the date of registration.
- (3A) The Keeper must make up and maintain a registration schedule in accordance with section 11 of the 2010 Act in respect of a new croft created by a division under this section.”.
- (10) In section 11 (intestacy)—
- (a) in subsection (1)—
    - (i) for “furnish” substitute “ give notice of the transfer containing ”; and
    - (ii) for “the landlord shall notify the Commission accordingly” substitute “ at the same time as giving the notice the executor must send a copy of the notice to the Commission ”;
  - (b) after that subsection insert—
 

“(1A) A transfer such as is mentioned in subsection (1) takes effect in relation to an application for registration of—

    - (a) the giving of notice under that subsection by virtue of section 4 of the 2010 Act; or
    - (b) the transfer by virtue of section 5 of that Act, on the date of registration.”;

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- (c) in subsection (2)—
    - (i) for “12” substitute “ 24 ”; and
    - (ii) for “furnished to the landlord particulars of any transferee” substitute “ given the landlord any notice ”;
  - (d) in subsection (3)—
    - (i) in paragraph (c), for “10(2)” substitute “ 10 ”; and
    - (ii) paragraph (d) is repealed; and
  - (e) in subsection (4)—
    - (i) for “12” substitute “ 24 ”; and
    - (ii) for “furnished to the landlord particulars of any transferee” substitute “ given the landlord any notice ”.
- (11) In section 20 (resumption of croft or part of croft by landlord)—
- (a) after subsection (1) insert—

“(1ZA) Where an application is made under subsection (1) to resume an unregistered croft (or any part of such a croft), the Land Court—

    - (a) may not authorise the resumption unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application to resume the croft was made;
    - (b) need not, during that 6 month period, consider the application to resume the croft until an application for first registration of the croft is submitted.

(1ZB) In relation to a registered croft, or part of such a croft, (other than a first registered croft)—

    - (a) any authorisation under subsection (1) expires at the end of the period of 3 months beginning with the date on which such authorisation was given unless an application for registration of the giving of that authorisation is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
    - (b) the resumption takes effect on the date of registration.

(1ZC) In its application to a registered common grazing, subsection (1ZB) is to be construed as if the reference in paragraph (a) to section 5 of the 2010 Act were a reference to section 25 of that Act.”;
  - (b) after subsection (1C), insert—

“(1CA) In relation to a registered croft, or part of such a croft—

    - (a) the granting of any extension under subsection (1C) expires at the end of the period of 3 months beginning with the date on which the extension was granted unless an application for registration of the granting of the extension is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
    - (b) the extension takes effect on the date of registration.

(1CB) In its application to an extension relating to a registered common grazing, subsection (1CA) is to be construed as if the reference

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- in paragraph (a) to section 5 of the 2010 Act were a reference to section 25 of that Act.”;
- (c) in subsection (1F), for the words “(1B) to (1D)” substitute “ (1B), (1C) and (1D) ”; and
- (d) after subsection (1F) add—
- “(1G) In relation to a registered croft, or part of such a croft—
- (a) any determination under subsection (1F) expires at the end of the period of 3 months beginning with the date on which the determination was made unless an application for registration of the making of the determination is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
- (b) the conversion of the temporary resumption into an ordinary resumption takes effect on the date of registration.
- (1H) In its application to a determination relating to a registered common grazing, subsection (1G) is to be construed as if the reference in paragraph (a) to section 5 of the 2010 Act were a reference to section 25 of that Act.”.
- (12) In section 21A (reversion of resumed land)—
- (a) after subsection (1) insert—
- “(1A) In relation to land which, before being resumed as mentioned in subsection (1), was an unregistered croft (or part of such a croft), an order under that subsection does not take effect until the croft is registered by virtue of section 4 of the 2010 Act.
- (1B) In relation to land which, before being resumed as mentioned in subsection (1), was a registered croft (or part of such a croft)—
- (a) an order under that subsection expires at the end of the period of 3 months beginning with the date on which the order was made unless an application for registration of the making of the order is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
- (b) the order takes effect on the date of registration.
- (1C) In its application to a registered common grazing, subsection (1B) is to be construed as if the reference in paragraph (a) to section 5 of the 2010 Act were a reference to section 25 of that Act.”; and
- (b) subsection (3) is repealed.
- (13) Section 22 (absentee crofters) is repealed.
- (14) In section 23 (vacant crofts)—
- (a) after subsection (3) insert—
- “(3ZA) Where approval is applied for under subsection (3) in relation to an unregistered croft (or any part of such a croft), the Commission—
- (a) may not grant that approval unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application for approval was made;

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- (b) need not, during that 6 month period, consider the application for approval until an application for first registration of the croft is submitted.
- (3ZB) In relation to a registered croft, or any part of such a croft, (other than a first registered croft)—
- (a) any approval under subsection (3) expires at the end of the period of 3 months beginning with the date on which such approval was granted unless an application for registration of the letting of the croft (or part of the croft) is made by virtue of section 5 of the 2010 Act before the expiry of that period;
  - (b) the letting of the croft (or part of the croft) takes effect on the date of registration.”;
- (b) subsection (3A) is repealed;
- (c) in subsection (4)—
- (i) after “above” insert “, subsection (5ZD) or subsection (5D), ”;
  - (ii) for “subsection (3) of section 22” substitute “ subsections (5) and (6) of section 26H ”;
  - (iii) for “it applies” substitute “ they apply ”; and
  - (iv) for “that subsection” substitute “ subsection (5) of that section ”;
- (d) after subsection (5ZC) (inserted by section 44 of this Act) insert—
- “(5ZD) Any re-letting of an unregistered croft in accordance with proposals submitted under subsection (5) is null and void unless an application for first registration of the croft is submitted before the expiry of the period of 3 months beginning with the date of the re-letting.
- (5ZE) In relation to a registered croft—
- (a) any approval under subsection (5ZB) of proposals to re-let the croft under subsection (5) expires at the end of the period of 3 months beginning with the date on which such approval was given unless an application for registration of the re-letting of the croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
  - (b) the re-letting of the croft takes effect on the date of registration.”;
- (e) after subsection (5C) insert—
- “(5D) Any letting of an unregistered croft pursuant to a determination under subsection (5C) is null and void unless an application for first registration of the croft is submitted before the expiry of the period of 3 months beginning with the date of the letting.
- (5E) In relation to a registered croft—
- (a) any determination under subsection (5C) to let the croft to an applicant is, at the end of the period of 3 months beginning with the date on which the determination was made, to be treated as if it had not been made unless an application for registration of the re-letting of the croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;

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- (b) the letting of the croft takes effect on the date of registration.”;
  - (f) in subsection (6), for “one month” substitute “ 28 days ”;
  - (g) in subsection (10), for the words “by the tenant of the croft” substitute “by—
    - (a) the tenant of the croft;
    - (b) the owner-occupier crofter of the croft;
    - (c) the subtenant of a sublet to which section 27 applies; or
    - (d) the tenant of a let to which section 29A applies.”;
  - (h) in subsection (12), at the beginning insert “ Subject to subsection (12A), ”; and
  - (i) after that subsection insert—
 

“(12A) Where the owner-occupier is an owner-occupier crofter, this section and section 24 have effect as if—

    - (a) the owner-occupier crofter were required under subsection (1) of this section, within one month of becoming such an owner-occupier crofter, to give notice to the Commission of that fact; and
    - (b) the reference to a landlord in subsection (2), and any reference to a landlord in section 24, included a reference to an owner-occupier crofter.”.
- (15) In section 24 (decrofting where croft vacant for 6 months)—
- (a) in subsection (2), for “section 22(1)” substitute “ section 26H(1) ”;
  - (b) after that subsection insert—
 

“(2ZA) But the Commission may not make a direction in accordance with subsection (2) in relation to an unregistered croft—

    - (a) unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which notice under that subsection is given; and
    - (b) until such an application is submitted.”; and
  - (c) after subsection (3A) (inserted by section 45 of this Act) insert—
 

“(3B) Where a direction is applied for under subsection (3) in relation to an unregistered croft, the Commission—

    - (a) may not make such a direction unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application for the direction is made;
    - (b) need not, during that 6 month period, consider the application for the direction until an application for first registration of the croft is submitted.
- (3C) In relation to a registered croft (other than a first registered croft)—
- (a) a direction under subsection (2) or (3) (other than one under subsection (3) given by virtue of section 25(4) of this Act) expires at the end of the period of 3 months beginning with the date on which the direction was made unless an application for registration of the making of the direction is



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- submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
- (b) the direction takes effect on the date of registration.”.
- (16) In section 25 (provisions supplementary to section 24(3))—
- (a) in subsection (4), at the beginning insert “ Subject to subsections (4ZB) and (4ZD), ”; and
- (b) after that subsection insert—
- “(4ZA) Where a direction is applied for under subsection (4) in relation to an unregistered croft—
- (a) the Commission may not make such a direction unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application for the direction is made;
- (b) the Commission need not, during that 6 month period, consider the application for the direction until an application for first registration of the croft is submitted.
- (4ZB) Where a direction under section 24(3) is made by virtue of an application under subsection (4) in relation to a first registered croft—
- (a) the crofter who applied for the direction must, within 3 months of acquiring land or a site as mentioned in that subsection, notify the Commission of the acquisition;
- (b) the direction—
- (i) does not have effect unless the conditions in subsection (4) are satisfied;
- (ii) takes effect on the giving of notification of the direction under section 10(8)(c) of the 2010 Act.
- (4ZC) Subsection (4ZD) applies to a direction under section 24(3) which is made—
- (a) by virtue of an application under subsection (4); and
- (b) in relation to a registered croft (other than a first registered croft).
- (4ZD) The direction—
- (a) does not have effect unless—
- (i) the conditions mentioned in subsection (4) are satisfied; and
- (ii) an application for registration of the making of the direction is made by virtue of section 5 of the 2010 Act before the expiry of the period of 5 years mentioned in that subsection;
- (b) takes effect, if those conditions and the condition mentioned in paragraph (a)(ii) are satisfied on or before the date of registration, on the date of registration.”.
- (17) In section 26 (removal of crofter)—
- (a) in subsection (1)—
- (i) the word “or” immediately preceding paragraph (b) is repealed; and

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- (ii) after that paragraph insert “, or
- (c) a crofter has breached any duty mentioned in section 5AA, 5B or 5C;”;
- (b) after that subsection insert—
  - “(1A) For the purposes of paragraph (c) of subsection (1)—
    - (a) where a crofter has sublet the croft by virtue of a lease to which section 27 applies, the crofter is deemed to comply with the duties mentioned in that paragraph (other than the duty not to misuse the croft) if the crofter's subtenant complies with the duties;
    - (b) where the Commission have granted consent under section 21B, the crofter is deemed to comply with the duty mentioned in section 5AA.”; and
  - (c) in subsection (3), for “5B” substitute “ 26H ”.
- (18) In section 27 (subletting by crofters), subsection (3) is repealed.
- (19) In section 30 (compensation to crofter for improvements)—
  - (a) in subsection (6A)(a), for “paragraph 3(b) of Schedule 2 to” substitute “ section 5C(2)(a)(ii) of ”; and
  - (b) in subsection (6B), for “5(7)(a)” substitute “ 5C(4)(a) ”.
- (20) In section 31(1)(a) (permanent improvements made on crofts for purposes of subsidiary or auxiliary occupations), for “paragraph 3 of Schedule 2 to” substitute “ section 5C(2)(a)(ii) of ”.
- (21) In section 38 (reorganisation schemes), in subsection (10), after paragraph (c) insert—
  - “(ca) each owner-occupier crofter whose croft is situated in the township;”.
- (22) In section 38A (appeal to Land Court: special provision as respects reorganisation schemes), in subsection (1), after “the landlord of any such croft or” insert “ any owner-occupier crofter whose croft is situated in the township or ”.
- (23) In section 39 (putting into effect of reorganisation schemes)—
  - (a) in subsection (1A), at the beginning insert “ Subject to subsection (2A), ”;
  - (b) in subsection (2), at the beginning insert “ Subject to subsection (2B), ”; and
  - (c) after subsection (2), insert—
    - “(2A) Before putting into effect a reorganisation scheme which contains provision—
      - (a) forming a croft;
      - (b) making any change to, or in relation to, a croft,
 the Commission must submit, in accordance with Part 2 of the 2010 Act, an application for registration of the croft so formed, the croft affected by the change or, as the case may be, the change to the croft.
    - (2B) The date appointed under subsection (2) for the putting into effect of any provision of a reorganisation scheme in respect of which an application for registration under subsection (2A) is made is to be the date of registration.”.

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- (24) In section 40 (obtaining of information by Commission), after subsection (1) insert—
- “(1A) The information mentioned in subsection (1) above includes the age and date of birth of the owner or occupier of the holding or such other person or class of person as may be specified in the notice.”.
- (25) In section 41(2) (information to be entered in Register of Crofts)—
- (a) in paragraph (b), after “name” insert “, age and date of birth ”; and
- (b) in paragraph (cd)(ii), for “section 22(1)” substitute “ section 26H(1) ”.
- (26) In section 45(1) (former crofters and cottars who have acquired site of the dwelling-house)—
- (a) after paragraph (c) insert—
- “(ca) an owner-occupier crofter;”;
- (b) the words “for a period of 7 years from the date of acquisition from the landlord” are repealed.
- (27) In section 46 (owner-occupiers of like economic status as crofters and other persons) —
- (a) in subsection (1), after “gas supplies” insert “ for owner-occupier crofters and ”;
- (b) in subsection (4)—
- (i) for paragraph (a) substitute—
- “(a) for owner-occupier crofters; and”;
- (ii) after paragraph (d) insert “;
- (e) for tenants of crofts or parts of crofts occupying under short leases granted as mentioned in section 29A,”; and
- (c) in the words following paragraph (e) of that subsection (as inserted by sub-sub-paragraph (b)(ii))—
- (i) after “such” where it first occurs insert “ owner-occupied crofts and ”;
- (ii) for “occupiers of crofts who are also the owners thereof,” substitute “ owner-occupier crofters, ”; and
- (iii) for “and to subtenants of crofts or parts of crofts” substitute “ , to subtenants of crofts or parts of crofts and to tenants of crofts or parts of crofts occupying under such short leases ”.
- (28) In section 46A(1) (regulations concerning loans), after paragraph (b) insert—
- “(ba) owner-occupier crofters;”.
- (29) In section 48(3) (liability of crofters to meet expenditure incurred by grazings committees)—
- (a) after “29(2)” insert “ or 29A(9) ”;
- (b) after “sublet” insert “ or, as the case may be, let ”;
- (c) after “subtenant” insert “ or tenant ”; and
- (d) after “subtenancy” insert “ or tenancy ”.
- (30) In section 50B (use of common grazing for other purposes), the following are repealed—

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- (a) in subsection (6), the words “, in such manner as the Commission may require,”; and
  - (b) subsections (7) to (15).
- (31) In section 52 (miscellaneous provisions as to common grazings, etc.)—
- (a) after subsection (1E) insert—
    - “(1EA) Where the Commission make a determination under subsection (1E) that all or part of a person's share in a registered common grazing is terminated—
      - (a) the Commission must, as soon as reasonably practicable after making the determination, submit an application for registration of the termination by virtue of section 25 of the 2010 Act;
      - (b) the termination takes effect on the date of registration.
    - (1EB) Any apportionment of all or part of a person's share in a registered common grazing under subsection (1E) above takes effect, as respects an application for registration of the apportionment by virtue of section 25 of the 2010 Act, on the date of registration.”;
  - (b) after subsection (3) insert—
    - “(3A) In relation to a registered common grazing—
      - (a) any apportionment of the common grazing under subsection (3) expires at the end of the period of 3 months beginning with the date on which the common grazing was so apportioned unless an application for registration of the apportionment is submitted by virtue of section 25 of the 2010 Act before the expiry of that period;
      - (b) the apportionment takes effect on the date of registration.”;
  - (c) after subsection (5) insert—
    - “(5A) Where an application is made under subsection (4) by the crofter of an unregistered croft, the Commission—
      - (a) may not apportion a part of the common grazing unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application to apportion a part of the common grazing was made;
      - (b) need not, during that 6 month period, consider the application to apportion a part of the common grazing until an application for first registration of the croft is submitted.
    - (5B) Where an application under subsection (4) by the crofter of a registered croft (other than a first registered croft) is granted—
      - (a) the apportionment of a part of the common grazing expires at the end of the period of 3 months beginning with the date on which the part was so apportioned unless an application for registration of the apportionment is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
      - (b) the apportionment takes effect on the date of registration.
    - (5C) In relation to a registered common grazing—

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- (a) any apportionment of a part of the common grazing under subsection (4) expires at the end of the period of 3 months beginning with the date on which the part was so apportioned unless an application for registration of the apportionment is submitted by virtue of section 25 of the 2010 Act before the expiry of that period;
  - (b) the apportionment of the part takes effect on the date of registration.
- (5D) But subsection (5C) does not apply to an apportionment which takes effect by virtue of subsection (5B).”;
- (d) after subsection (7) insert—
    - “(7A) Any transfer by a person who holds a right in a registered common grazing of that right to another person takes effect, as respects an application for registration of the transfer by virtue of section 25 of the 2010 Act, on the date of registration.”;
  - (e) after subsection (8) insert—
    - “(8A) Subsection (5C) applies to an apportionment under subsection (8) of registered lands held runrig as it applies to an apportionment under subsection (4) of a part of a registered common grazing, with the modification that the reference to section 25 is to be construed as a reference to section 32.”;
  - (f) after subsection (11) insert—
    - “(11A) In relation to a registered common grazing—
      - (a) any extension under subsection (11) of the period for which a part of a registered common grazing is apportioned ceases to have effect at the end of the period of 3 months beginning with the date on which the period was so extended unless an application for registration of the extension is submitted by virtue of section 25 of the 2010 Act before the expiry of that 3 month period;
      - (b) the extension takes effect on the date of registration.
    - (11B) Subsection (11A) applies to registered land held runrig as it applies to a registered common grazing, with the modification that the reference to section 25 is to be construed as a reference to section 32.”;
  - (g) after subsection (12) insert—
    - “(12A) Subsection (12B) applies to an application by the crofter of a registered croft (other than a first registered croft) made under subsection (12) to bring to an end an apportionment made in pursuance of subsection (4).
    - (12B) Where the application is granted—
      - (a) the granting of the application expires at the end of the period of 3 months beginning with the date of the granting unless an application for registration of the bringing to an end of the apportionment is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;

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- (b) the bringing to an end of the apportionment takes effect on the date of registration.
- (12C) Where it is determined under subsection (12)(b)(iii) that an apportionment of a registered common grazing is to come to an end, the apportionment comes to an end, as respects an application for registration of the bringing of it to an end by virtue of section 25 of the 2010 Act, on the date of registration.
- (12D) But subsection (12C) does not apply to an apportionment the bringing to an end of which takes effect by virtue of subsection (12B).”;
- (h) after subsection (14) insert—
- “(14A) Any determination under subsection (14) takes effect, as respects an application for registration of the making of the determination by virtue of section 25 of the 2010 Act, on the date of registration.”; and
- (i) in subsection (15), for “(14)” substitute “ (14A) ”.
- (32) In section 52A (appeals)—
- (a) after subsection (4) insert—
- “(4A) The Court may, if it considers it appropriate in consequence of any decision on an appeal under subsection (1), order the Keeper to rectify the Crofting Register.”;
- (b) subsection (5) is repealed;
- (c) in subsection (6), the words “10(4B),” are repealed; and
- (d) subsection (7) is repealed.
- (33) In section 53 (jurisdictional provisions)—
- (a) in the proviso to subsection (1), after paragraph (i) insert—
- “(ia) any question that may be raised under section 14(1) of the 2010 Act (including a question that could have been raised under that section had an application been made before the end of the period mentioned in section 12(5) of that Act);”;
- (b) after subsection (2) insert—
- “(3) The Court may, if it considers it appropriate in consequence of any determination under subsection (1), order the Keeper to rectify the Crofting Register.”.
- (34) In section 56 (powers of entry and inspection), in subsection (1), after “Act” insert “ or, in the case of the Commission, by the 2010 Act ”.
- (35) For section 60 (regulations) substitute—

**“60 Regulations and orders**

- (1) Any power conferred by this Act on the Scottish Ministers to make regulations or orders is exercisable by statutory instrument.

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- (2) Subject to subsection (3), a statutory instrument containing such regulations or such an order is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (3) No statutory instrument containing—
- (a) an order under—
    - (i) section 2A(1);
    - (ii) section 5B(6);
    - (iii) section 19C(8);
    - (iv) paragraph 3(6) of schedule 1;
  - (b) regulations under paragraph 7(1) of schedule 1,  
may be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.”.
- (36) In section 61(1) (interpretation)—
- (a) after the definition of “the 1997 Act”, insert—

““the 2010 Act” means the Crofting Reform (Scotland) Act 2010 (asp 14);”;
  - (b) in the definition of “the Commission”, for “Crofters” substitute “ Crofting ”;
  - (c) for the definitions of “croft” and “crofter” substitute—

““croft”—

    - (a) in relation to a croft other than one registered in the Crofting Register, has the meaning given by section 3;
    - (b) in relation to a croft registered in that register, has the meaning given by section 3ZA(2)(a);

“crofter”—

    - (a) in relation to a croft other than one registered in the Crofting Register, has the meaning given by section 3;
    - (b) in relation to a croft registered in that register, has the meaning given by section 3ZA(2)(c);”;
    - (d) after the definition of “croft land” insert—

““cultivate” has the meaning given by section 5C(8);

“date of registration” (other than in section 3) is to be construed in accordance with section 8(5) of the 2010 Act;”;
    - (e) after the definition of “enactment” insert—

““first registered croft” means a croft mentioned in section 5(2) of the 2010 Act;

“first registration”, in relation to an unregistered croft or unregistered owner-occupied croft, means the registration of the croft or owner-occupied croft in the Crofting Register;”;
    - (f) after the definition of “functions” insert—

““Keeper” means the Keeper of the Registers of Scotland;”;
    - (g) in the definition of “landlord”—

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*Changes to legislation: There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, SCHEDULE 4. (See end of Document for details)*

- (i) in paragraph (a), after “croft” where it first occurs insert “ other than one registered in the Crofting Register ”; and
  - (ii) after that paragraph insert—
    - “(aa) in the case of a croft registered in that register, the person for the time being entered in the registration schedule of the croft as the landlord of it;”;
  - (h) after the definition of “landlord” insert—
    - ““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39);”;
  - (i) after the definition of “National Trust for Scotland” insert—
    - ““owner-occupied croft” and “owner-occupier's croft” have the meanings given by section 19B(5);
    - “owner-occupier crofter” is to be construed in accordance with section 19B(1) to (4);”;
  - (j) after the definition of “public notification” insert—
    - ““purposeful use” has the meaning given by section 5C(8);
    - “registered”, in relation to a croft, an owner-occupied croft or a common grazing, means registered in the Crofting Register; and
    - “unregistered” and other cognate expressions are to be construed accordingly;
    - “registration schedule” means the registration schedule of the croft made up and maintained under section 11(1) of the 2010 Act;”.
- (37) In Schedule 2 (the statutory conditions)—
- (a) paragraphs 3, 3A and 3B are repealed; and
  - (b) in paragraph 13, the definitions of “cultivate” and “purposeful use” are repealed.

### Commencement Information

<b>I3</b>	Sch. 4 para. 3(1) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), <b>Sch. Pt. 1</b> (with art. 4)
<b>I4</b>	Sch. 4 para. 3(2) in force at 1.4.2012 by S.S.I. 2011/334, art. 3(1)(b)(2), <b>Sch. Pt. 2</b>
<b>I5</b>	Sch. 4 para. 3(3) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), <b>Sch. Pt. 1</b> (with arts. 4, 7)
<b>I6</b>	Sch. 4 para. 3(4) in force at 22.12.2010 by S.S.I. 2010/437, art. 3, <b>Sch.</b> (with art. 4)
<b>I7</b>	Sch. 4 para. 3(5)(a) in force at 30.11.2012 for specified purposes by S.S.I. 2012/288, art. 3(1)(b)(2), <b>Sch. 1 Pt. 2</b> (with Sch. 2 para. 1(m))
<b>I8</b>	Sch. 4 para. 3(5)(a) in force at 30.11.2013 in so far as not already in force by S.S.I. 2012/288, <b>art. 3(1)(c)</b> (with Sch. 2 para. 9)
<b>I9</b>	Sch. 4 para. 3(5)(b) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), <b>Sch. Pt. 1</b> (with art. 4)
<b>I10</b>	Sch. 4 para. 3(6)(7) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), <b>Sch. Pt. 1</b> (with art. 4)
<b>I11</b>	Sch. 4 para. 3(8)(a) in force at 1.10.2011 for specified purposes by S.S.I. 2011/334, art. 3(1)(a)(2), <b>Sch. Pt. 1</b> (with art. 4)
<b>I12</b>	Sch. 4 para. 3(8)(a) in force at 30.11.2013 in so far as not already in force by S.S.I. 2012/288, <b>art. 3(1)(c)</b> (with Sch. 2 para. 10)
<b>I13</b>	Sch. 4 para. 3(8)(b) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), <b>Sch. Pt. 1</b> (with art. 4)
<b>I14</b>	Sch. 4 para. 3(8)(c)(d) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), <b>Sch. 1 Pt. 2</b> (with Sch. 2 para. 1(n)(o))
<b>I15</b>	Sch. 4 para. 3(9)(a) in force at 30.11.2013 by S.S.I. 2012/288, <b>art. 3(1)(c)</b> (with Sch. 2 para. 11(1))



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- I16** Sch. 4 para. 3(9)(b) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with art. 4)
- I17** Sch. 4 para. 3(9)(c) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2** (with Sch. 2 paras. 1(p), 11(2))
- I18** Sch. 4 para. 3(10)(a) (c)-(e) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with art. 4)
- I19** Sch. 4 para. 3(10)(b) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2** (with Sch. 2 para. 12)
- I20** Sch. 4 para. 3(11)(a) in force at 30.11.2012 for specified purposes by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2** (with Sch. 2 para. 1(r))
- I21** Sch. 4 para. 3(11)(a) in force at 30.11.2013 in so far as not already in force by S.S.I. 2012/288, **art. 3(1)(e)** (with Sch. 2 para. 13)
- I22** Sch. 4 para. 3(11)(b)-(d) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I23** Sch. 4 para. 3(12)(a) in force at 30.11.2012 for specified purposes by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I24** Sch. 4 para. 3(12)(a) in force at 30.11.2013 in so far as not already in force by S.S.I. 2012/288, **art. 3(1)(e)** (with Sch. 2 para. 14)
- I25** Sch. 4 para. 3(12)(b) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I26** Sch. 4 para. 3(13) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with arts. 4, 6)
- I27** Sch. 4 para. 3(14)(a) in force at 30.11.2012 for specified purposes by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2** (with Sch. 2 para. 1(s))
- I28** Sch. 4 para. 3(14)(a)(d)(e) in force at 30.11.2013 in so far as not already in force by S.S.I. 2012/288, **art. 3(1)(c)** (with Sch. 2 para. 15)
- I29** Sch. 4 para. 3(14)(c)(i) in force at 30.11.2013 by S.S.I. 2012/288, **art. 3(1)(c)**
- I30** Sch. 4 para. 3(14)(d) in force at 30.11.2012 for specified purposes by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I31** Sch. 4 para. 3(14)(e) in force at 30.11.2012 for specified purposes by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I32** Sch. 4 para. 3(15)(b) in force at 30.11.2013 by S.S.I. 2012/288, **art. 3(1)(c)** (with Sch. 2 para. 16(1))
- I33** Sch. 4 para. 3(15)(c) in force at 30.11.2012 for specified purposes by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2** (with Sch. 2 para. 1(t))
- I34** Sch. 4 para. 3(15)(c) in force at 30.11.2013 in so far as not already in force by S.S.I. 2012/288, **art. 3(1)(e)** (with Sch. 2 para. 16(2))
- I35** Sch. 4 para. 3(16)(a) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2** (with Sch. 2 para. 1(u))
- I36** Sch. 4 para. 3(16)(b) in force at 30.11.2012 for specified purposes by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I37** Sch. 4 para. 3(16)(b) in force at 30.11.2013 in so far as not already in force by S.S.I. 2012/288, **art. 3(1)(e)** (with Sch. 2 para. 17)
- I38** Sch. 4 para. 3(17)-(22) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with art. 4)
- I39** Sch. 4 para. 3(23) in force at 30.11.2013 by S.S.I. 2012/288, **art. 3(1)(c)** (with Sch. 2 para. 18)
- I40** Sch. 4 para. 3(24)(25) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with art. 4)
- I41** Sch. 4 para. 3(26)-(28)(36)(a)(i) in force at 22.12.2010 by S.S.I. 2010/437, art. 3, **Sch.** (with art. 4)
- I42** Sch. 4 para. 3(29)(30) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with art. 4)
- I43** Sch. 4 para. 3(31)(a)(b)(d)-(h) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2** (with Sch. 2 para. 1(x))
- I44** Sch. 4 para. 3(31)(c) in force at 30.11.2012 for specified purposes by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2** (with Sch. 2 para. 1(w))
- I45** Sch. 4 para. 3(31)(c) in force at 30.11.2013 in so far as not already in force by S.S.I. 2012/288, **art. 3(1)(e)** (with Sch. 2 para. 19)
- I46** Sch. 4 para. 3(31)(i) in force at 30.11.2013 by S.S.I. 2012/288, **art. 3(1)(c)**
- I47** Sch. 4 para. 3(32)(a) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I48** Sch. 4 para. 3(32)(b)(c)(d) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with art. 4)
- I49** Sch. 4 para. 3(33) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I50** Sch. 4 para. 3(34)(35) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with art. 4)

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*Changes to legislation: There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, SCHEDULE 4. (See end of Document for details)*

- I51** Sch. 4 para. 3(36)(b) in force at 1.4.2012 by S.S.I. 2011/334, art. 3(1)(b)(2), **Sch. Pt. 2**
- I52** Sch. 4 para. 3(36)(c) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I53** Sch. 4 para. 3(36)(d) in force at 1.10.2011 for specified purposes by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with art. 4)
- I54** Sch. 4 para. 3(36)(d) in force at 30.11.2012 in so far as not already in force by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I55** Sch. 4 para. 3(36)(e) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I56** Sch. 4 para. 3(36)(f)(g) in force at 30.11.2012 by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I57** Sch. 4 para. 3(36)(h) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with art. 4)
- I58** Sch. 4 para. 3(36)(j) in force at 1.10.2011 for specified purposes by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with art. 4)
- I59** Sch. 4 para. 3(36)(j) in force at 30.11.2012 in so far as not already in force by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2**
- I60** Sch. 4 para. 3(37) in force at 1.10.2011 by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with art. 4)

*Ethical Standards in Public Life etc. (Scotland) Act 2000*

- 4 In schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7) (devolved public bodies), for “The Crofters Commission” substitute “ The Crofting Commission ”.

**Commencement Information**

- I61** Sch. 4 para. 4 in force at 1.4.2012 by S.S.I. 2011/334, art. 3(1)(b)(2), **Sch. Pt. 2**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, SCHEDULE 4.