

CROFTING REFORM (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 2 – the Crofting Register

Notification of first registration

Section 12: Notification of first registration

35. **Section 12** outlines the process by which persons with an interest must be notified of a first registration of a croft in the Crofting Register. Subsection (1) requires the Commission, upon receipt of a certificate of registration from the Keeper under section 9(2) or a copy of the certification or registration under section 9(4), to notify the persons specified in subsection (3) of the matters outlined in subsection (4). Those matters are: that the croft has been registered; the description of the croft included in the registration schedule; the names and designations of persons included in the registration schedule; the right to challenge the registration; and the period by which such a challenge must be brought. The person who registers the croft may vary according to the regulatory trigger point. Notification under subsection (1) will ensure that any person with an interest is aware of the registration. The Commission need not notify persons of a croft which is first registered as a result of the preparation of a reorganisation scheme, as there is a separate appeal available in relation to reorganisations schemes under the 1993 Act, and the first registration of such a croft cannot be challenged under section 14. Subsection (5) states that the period of challenge is 9 months beginning with the date on which the Commission issue notification under subsection (1). Subsection (6) provides that the date on which the Commission issue notification is either the date on which notification is issued to every person entitled to receive it, if all such notification is issued on the same date, or the date on which notification is issued to the last person entitled to receive it, if notification is issued on different dates. Subsection (8) requires the applicant, upon receipt of a registration certificate relating to a first registration, to give public notice of registration, except in the case of a new croft or a croft affected by a reorganisation scheme. They must do this by placing an advert in a local newspaper for two consecutive weeks and affixing a conspicuous notice to the registered croft in the form prescribed by the Scottish Ministers. Subsection (9) requires the applicant to also take all reasonable steps to ensure that the notice continues to be displayed throughout the period in subsection (5).