

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).

Section 13: Power of entry etc. where Commission are applicant

36. **Section 13** gives a person authorised by the Commission the power to enter a croft in order to affix a notice that will give notification that the croft has been registered on the Crofting Register. They will only have this power where the Commission is the person applying to register a croft onto the Crofting Register. They will also have to power to enter the croft in order to ensure that the notice remains on display and to remove it following the 9 month period that the notice has to be displayed for. Subsection (3) requires the Commission to take all reasonable care not to damage the croft or the part

*These notes relate to the Crofting Reform (Scotland) Act
2010 (asp 14) which received Royal Assent on 6 August 2010*

of the croft to which the notice is affixed and to remove the notice no later than one week after the end of the period mentioned in section 12(5).

37. This section also applies provisions relating to powers of entry under section 56 of the 1993 Act such as the requirement to produce identification if required, to give notice of intention to enter on to the croft, and a criminal sanction for persons obstructing a person's entry on to a croft.