

CROFTING REFORM (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 2 – the Crofting Register

Challenge to first registration

Section 14: Challenge to first registration

38. **Section 14** sets out the circumstances in which a challenge may be brought against a croft registration. The registration of the croft is open to challenge for a nine month appeal period. It is only possible to challenge the boundaries etc. of a croft on first registration under section 14. Subsection (1) allows a person who has received notification under section 12 of the first registration of a croft, or any other person who is aggrieved by the croft registration, to apply to the Land Court within the 9 month challenge period for the registration to be removed or modified. Subsection (2) enables challenges to the first registration of an unregistered croft to be made after the end of the 9 month period if the Land Court consider there is just cause shown for the delay. The right to challenge the first registration of an unregistered croft is disapplied when the croft was registered as a result of a reorganisation scheme, as there is a separate appeal available against a reorganisation scheme.
39. Subsection (4) allows the Land Court, upon considering an appeal against the registration of a croft, to make an order for the registration to be removed from the Crofting Register, modify the entry or make no order. Subsections (5) and (6) provide that when the Land Court has to determine the boundaries of a croft and there is insufficient evidence to enable them to be clearly determined, the Land Court must declare the boundary to be that which it considers appropriate. Subsection (7) requires the Keeper to make any amendments to the registration schedule of the croft and register which are necessary in the light of the Land Court's decision. The determination of the Land Court is subject to an appeal on a point of law to the Inner House of the Court of Session.