



Crofting Reform (Scotland) Act 2010

2010 asp 14

PART 1

REORGANISATION OF THE CROFTERS COMMISSION

The Crofting Commission

1 The Crofting Commission

- (1) The Crofters Commission is renamed and is to be known as the Crofting Commission.
- (2) The “Crofters Commission” is the Commission—
 - (a) established by section 1 of the Crofters (Scotland) Act 1955 (c.21); and
 - (b) continued in being by section 1 of the Crofters (Scotland) Act 1993 (c.44) (the “1993 Act”).
- (3) For schedule 1 to the 1993 Act, substitute the schedule contained in schedule 1.
- (4) Any reference in any enactment to the Crofters Commission is, unless the contrary intention appears, to be construed as a reference to the Crofting Commission.

2 General functions of the Crofting Commission

- (1) In section 1 of the 1993 Act (constitution and general functions of Crofters Commission), for subsection (2) substitute—
 - “(2) The Commission have—
 - (a) the general functions of—
 - (i) regulating crofting;
 - (ii) reorganising crofting;
 - (iii) promoting the interests of crofting;
 - (iv) keeping under review matters relating to crofting; and
 - (b) such other functions conferred on them by or under this Act or under any other enactment.

Status: This is the original version (as it was originally enacted).

- (2A) In exercising their functions under subsection (2), the Commission must have regard to—
- (a) the desirability of supporting population retention—
 - (i) in the crofting counties; and
 - (ii) in any area for the time being designated as mentioned in section 3A(1)(b) and in which there are crofts; and
 - (b) the impact of changes to the overall area of land held in crofting tenure on the sustainability of crofting.”.

(2) After section 2 of that Act insert—

“2A Ministers’ power to modify functions of Commission

- (1) The Scottish Ministers may, by order—
 - (a) confer functions on;
 - (b) remove functions from;
 - (c) otherwise modify functions of,
 the Commission.
- (2) The Scottish Ministers may make an order under subsection (1) only where they consider it appropriate to do so to ensure that the Commission carry out their functions efficiently and effectively.
- (3) An order under subsection (1) may—
 - (a) confer on the Commission a function exercisable under this Act by the Scottish Ministers (other than a function to make regulations or orders);
 - (b) modify any enactment (including this Act).

2B Annual report

- (1) The Commission must make an annual report, on the exercise by them of their functions, to the Scottish Ministers.
- (2) That report must also contain the Commission’s assessment of—
 - (a) the issues affecting crofting communities; and
 - (b) the contribution crofting has made to sustainable development.
- (3) Before making an annual report, the Commission must consult—
 - (a) each local authority in the area of which there are crofts; and
 - (b) Highlands and Islands Enterprise.
- (4) The Scottish Ministers must lay before the Scottish Parliament a copy of each annual report made to them under this section together with any comments on the report that they consider appropriate.

2C Duty to produce plan

- (1) The Commission must, before the expiry of the period mentioned in subsection (2), prepare and submit to the Scottish Ministers a plan setting out their policy on how they propose to exercise their functions.

Status: This is the original version (as it was originally enacted).

- (2) That period is the period of 6 months beginning with the day after—
 - (a) the day of the first election held in accordance with paragraph 7 of schedule 1 to elect persons to be members of the Commission;
 - (b) the day of each subsequent election.
- (3) The Commission must, before preparing a plan under this section, consult—
 - (a) each local authority in the area of which there are crofts;
 - (b) Highlands and Islands Enterprise; and
 - (c) such other persons or bodies as the Commission consider appropriate.
- (4) The Scottish Ministers may—
 - (a) approve the plan (with or without modifications); or
 - (b) reject the plan and direct the Commission to submit a revised plan.
- (5) Where the Scottish Ministers approve the plan submitted under subsection (1) (including a revised plan submitted under subsection (4)(b)), the Commission must—
 - (a) send a copy of it to each local authority in the area of which there are crofts;
 - (b) make a copy of it available for public inspection at reasonable times; and
 - (c) publish it in such manner as the Commission consider appropriate.
- (6) The Commission—
 - (a) may, from time to time;
 - (b) must, if required to do so by the Scottish Ministers, vary the plan.
- (7) Where the Commission, under subsection (6), vary the plan—
 - (a) the Commission must submit it to the Scottish Ministers; and
 - (b) subsections (3) to (5) apply to the variation of a plan as they apply to the preparation of a plan under subsection (1).

2D Status of plan

- (1) The Commission, in exercising their functions, must have regard to any plan approved and published under section 2C.
- (2) The Land Court may have regard to any such plan when considering an appeal against—
 - (a) any decision, determination or direction of; or
 - (b) the imposition of a condition by,the Commission on an application made to them under this Act.”.