



Crofting Reform (Scotland) Act 2010

2010 asp 14

PART 2

THE CROFTING REGISTER

Consequential amendments of the 1993 Act

22 Meaning of “croft” etc.

- (1) In section 3 of the 1993 Act (meaning of croft and crofter)—
- (a) in subsection (1), after “subsection (2) below” insert “and to section 3ZA(2)(a)”;
 - (b) in subsection (3), at the beginning insert “Subject to section 3ZA(2)(c).”
- (2) After section 3 insert—

“3ZA Registered crofts

- (1) This section applies where a holding situated—
- (a) in the crofting counties; or
 - (b) as is mentioned in section 3A(1)(b),
- is registered in the Crofting Register.
- (2) For the purposes of this Act—
- (a) the holding is, from the date of registration, a croft;
 - (b) the land which comprises the croft (including any right or land mentioned in section 3(4)) is determined by the description of that land in the registration schedule of the croft; and
 - (c) from the date of registration, any person for the time being entered in the registration schedule of the croft as the tenant of the croft is a crofter.
- (3) Section 3 (other than subsection (2)) does not apply.
- (4) Section 3(2) applies to subsection (2)(a) of this section as it applies to subsection (1) of section 3.

Status: This is the original version (as it was originally enacted).

- (5) Nothing in this section affects whether, before the date of registration, the holding was a croft or any person was the tenant of it.”.

23 Registration of new crofts

- (1) Section 3A of the 1993 Act (new crofts) is amended as follows.
- (2) In subsections (1) and (2), the words from “by entering” to the end are, in both subsections, repealed.
- (3) Subsection (4) is repealed.
- (4) After section 3A insert—

“3AA Registration of new crofts

- (1) This section applies where the Commission make a determination to exercise their power under section 3A(1) or, as the case may be, (2), to constitute land or, as the case may be, a holding as a croft.
- (2) The application for registration of the land or holding in the Crofting Register must not be forwarded to the Keeper under section 7(3)(b) of the Crofting Reform (Scotland) Act 2010 ([asp 14](#))—
- (a) until the period mentioned in section 52A(2)(b) has expired without any appeal to the Land Court being made; or
 - (b) where such an appeal is made, until it is abandoned or the Court confirms the Commission’s determination under section 3A(1) or, as the case may be, (2).
- (3) In the case of an application for registration of a holding in relation to which a determination under section 3A(2) is made, the Commission must not forward the application unless they are satisfied—
- (a) that agreement has been reached between the applicant and the owner of the land as to an amount to be paid by the applicant to the owner in compensation for the holding being constituted as a croft and that the amount has been duly paid;
 - (b) that the applicant and the owner have agreed that no amount in compensation is to be so payable; or
 - (c) that any such amount found, by virtue of section 3B, to be so payable has been duly paid.”.

(5) In section 3B of the 1993 Act (compensation for constituting holding as a croft), in subsection (1), for “subsection (4)(b)(i) or (ii) of that section” substitute “section 3AA(3)(a) or (b)”.