



Crofting Reform (Scotland) Act 2010

2010 asp 14

PART 2

THE CROFTING REGISTER

Notification of first registration

12 Notification of first registration

- (1) Subject to subsection (2), the Commission must, on receipt of a certificate of registration under section 9(2) or, as the case may be, a copy of such a certificate under section 9(4), notify any persons mentioned in subsection (3) of the matters mentioned in subsection (4).
- (2) The Commission need not notify a person mentioned in subsection (3)—
 - (a) where that person is the applicant for registration; or
 - (b) where the certificate of registration issued under section 9(2) relates to a first registration as a result of the taking of the step mentioned in section 4(4)(p).
- (3) Those persons are—
 - (a) the owner of the croft;
 - (b) the landlord of the croft;
 - (c) the crofter of the croft;
 - (d) the owner-occupier crofter of the croft;
 - (e) the owner of any adjacent croft;
 - (f) the landlord of any adjacent croft;
 - (g) the crofter of any adjacent croft;
 - (h) the owner-occupier crofter of any adjacent croft;
 - (i) the owner of any adjacent land (not being land which is an adjacent croft);
 - (j) the occupier of any adjacent land (not being land which is an adjacent croft).
- (4) The matters referred to in subsection (1) are—
 - (a) that the croft has been registered;
 - (b) the description of the croft as it is entered in the registration schedule;

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- (c) the names and designations of any persons entered in the registration schedule in accordance with section 11(2)(b);
 - (d) the right to challenge the registration by applying to the Land Court under section 14(1);
 - (e) the period, mentioned in subsection (5), before the end of which such a challenge must be brought.
- (5) That period is the period of 9 months beginning with the date on which the Commission issue notification under subsection (1).
- (6) For the purposes of subsection (5), “the date on which the Commission issue notification under subsection (1)” means—
- (a) where notification under subsection (1) is issued on the same date to every person entitled to receive it, that date;
 - (b) where such notification is issued otherwise than is mentioned in paragraph (a), the date notification is issued to the last person entitled to receive it.
- (7) The Commission must notify the applicant of the date mentioned in subsection (5).
- (8) The applicant, on receipt of the certificate under section 9(2) relating to a first registration (other than of a new croft or other than as a result of the taking of the step mentioned in section 4(4)(p)), must give public notice of the registration of the croft by—
- (a) placing an advertisement, for two consecutive weeks, in a local newspaper circulating in the area where the croft is situated; and
 - (b) affixing a conspicuous notice in the prescribed form to a part of the croft.
- (9) The applicant must take all reasonable steps to ensure that the notice mentioned in subsection (8)(b) continues to be displayed throughout the period mentioned in subsection (5).
- (10) In subsection (8)(b), “prescribed” means prescribed by the Scottish Ministers by order.

Commencement Information

- I1** S. 12 in force at 30.10.2012 for specified purposes by [S.S.I. 2012/288](#), [art. 3\(1\)\(a\)\(2\)](#), [Sch. 1 Pt. 1](#)
- I2** S. 12(1)(2)(a)(3)-(10) in force at 30.11.2012 in so far as not already in force by [S.S.I. 2012/288](#), [art. 3\(1\)\(b\)\(2\)](#), [Sch. 1 Pt. 2](#) (with [Sch. 2 para. 1\(g\)](#))
- I3** S. 12(2)(b) in force at 30.11.2013 in so far as not already in force by [S.S.I. 2012/288](#), [art. 3\(1\)\(c\)](#)

13 Power of entry etc. where Commission are applicant

- (1) This section applies where, by virtue of being the applicant for registration, the Commission are required to affix a notice in accordance with section 12(8)(b).
- (2) A person authorised by the Commission may enter the croft for the purposes of—
- (a) affixing the notice;
 - (b) complying with section 12(9); and
 - (c) removing the notice in accordance with subsection (3)(b).
- (3) The Commission must—
- (a) when affixing the notice, take all reasonable care not to damage the croft or the part of the croft to which the notice is affixed; and

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- (b) remove the notice no later than 1 week after the end of the period mentioned in section 12(5).
- (4) Subsections (2) to (4) of section 56 of the 1993 Act apply for the purposes of subsection (2) as they apply for the purposes of subsection (1) of that section.

Commencement Information

I4 [S. 13](#) in force at 30.11.2012 by [S.S.I. 2012/288](#), art. 3(1)(b)(2), **Sch. 1 Pt. 2**

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