



Crofting Reform (Scotland) Act 2010

2010 asp 14

PART 3

DUTIES OF CROFTERS AND OWNER-OCCUPIER CROFTERS

Enforcement of duties of crofters and owner-occupier crofters

36 Information as to compliance with duties: annual notices

After section 40 of the 1993 Act insert—

“40A Annual notices

- (1) The Commission must—
 - (a) by notice given to each crofter, require the crofter to provide the Commission with the information mentioned in subsection (2);
 - (b) by notice given to each owner-occupier crofter, require the crofter to provide the Commission with the information mentioned in subsection (3).
- (2) The information referred to in subsection (1)(a) is—
 - (a) whether or not the crofter is complying with the duties mentioned in sections 5AA, 5B and 5C;
 - (b) where the crofter is not complying with one or more of those duties—
 - (i) in the case of the duty mentioned in section 5AA, whether the Commission have granted consent under section 21B;
 - (ii) in any case (other than the duty not to misuse the croft), whether a subtenant of the crofter by virtue of a lease to which section 27 applies is complying with the duty; and
 - (c) information relating to any other matter the Commission may require.
- (3) The information referred to in subsection (1)(b) is—
 - (a) whether or not the owner-occupier crofter is complying with the duties mentioned in section 19C(2);

Status: This is the original version (as it was originally enacted).

- (b) where the owner-occupier crofter is not complying with one or more of those duties—
 - (i) in the case of the duty mentioned in section 19C(2)(a), whether the Commission have granted consent under section 21B;
 - (ii) in any case (other than the duty not to misuse the croft), whether a tenant of the crofter by virtue of a short lease (within the meaning of section 29A) is complying with the duty; and
 - (c) information relating to any other matter the Commission may require.
- (4) The first notices under subsection (1) must be given as soon as reasonably practicable after the end of the period of 1 year beginning with the day section 36 of the 2010 Act comes into force.
- (5) Subsequent notices must be given as soon as reasonably practicable after the end of each successive 1 year period.
- (6) Subsection (2) of section 40 applies to a notice given under subsection (1) of this section as it applies to a notice served under subsection (1) of that section.
- (7) Section 55(1A) does not apply to a notice given under subsection (1).”.