



# Crofting Reform (Scotland) Act 2010

## 2010 asp 14

### PART 2

#### THE CROFTING REGISTER

##### *Registration*

#### **4 First registration**

- (1) An unregistered croft must be registered—
  - (a) in the case of a new croft, subject to section 3AA of the 1993 Act, on the determination under section 3A(1) or, as the case may be, (2) of that Act to constitute the land or holding as a croft;
  - (b) in the case of an owner-occupied croft, subject to subsection (9), on the transfer (whether or not for valuable consideration) of the ownership of the croft;
  - (c) in any case other than the case of a new croft, on the taking, in relation to the croft, of any step mentioned in subsection (4) (or, in the case of a step mentioned in paragraph (p) of that subsection, in accordance with that paragraph).
- (2) An unregistered croft may be registered on an application being made by a person mentioned in subsection (3).
- (3) The person is—
  - (a) the owner of the land on which the croft is situated;
  - (b) the landlord;
  - (c) the crofter;
  - (d) where the croft is an owner-occupied croft, the owner-occupier crofter.
- (4) The steps referred to in subsection (1)(c) are—
  - (a) the making of an application for a direction enlarging the croft under section 4(4) of the 1993 Act;
  - (b) the making of an application for consent to exchange the croft under section 4A of that Act;

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- (c) the making of an application for consent to assign the croft under section 8 of that Act;
  - (d) the making of an application for consent to divide the croft—
    - (i) under section 9 of that Act; or
    - (ii) under section 19D of that Act;
  - (e) in the case of a bequest of the croft such as is mentioned in subsection (1) (a) of section 10 of that Act, the giving of notice under subsection (2) of that section of the acceptance of the bequest of that croft;
  - (f) the giving of notice under section 11(1) of that Act in respect of the transfer of the tenancy of the croft in pursuance of section 16(2) of the Succession (Scotland) Act 1964 (c.41);
  - (g) the making of an application under section 20(1) of the 1993 Act to resume the croft or part of the croft;
  - (h) the making of an order for reversion of a resumption of the croft under section 21A(1) of that Act;
  - (i) the making of an application for approval to the letting of the croft or any part of the croft under section 23(3) of that Act;
  - (j) the re-letting of the croft in accordance with proposals submitted under section 23(5) of that Act;
  - (k) the letting of the croft pursuant to a determination under section 23(5C) of that Act;
  - (l) the making of an application for a decrofting direction—
    - (i) by giving notice under section 24(2) of that Act;
    - (ii) by application under section 24(3) of that Act; <sup>F1</sup> ...
    - [<sup>F2</sup>(ia) by application under section 24A(1) of that Act; or]
    - (iii) by application under section 25(4) of that Act;
  - (m) the division of the croft, or owner-occupied croft, under section 26G of that Act;
  - (n) the letting of the croft—
    - (i) in accordance with proposals submitted under section 26J(1) of that Act; or
    - (ii) pursuant to a decision under section 26J(8) of that Act;
  - (o) the making of an application for consent to the letting of the croft or any part of the croft under section 29A(1) of that Act other than such a letting under a short lease (within the meaning of section 29A(4) of that Act);
  - (p) the preparation, under section 38(8)(a) of that Act, of a reorganisation scheme which includes provision—
    - (i) forming the croft;
    - (ii) making any change to, or in relation to, the croft;
 and in such a case, the croft may not be registered until the condition mentioned in paragraph (a) or (b) of section 39(1) of that Act (whichever first occurs) is satisfied in relation to the scheme;
  - (q) the making of an application by the crofter of the croft for a part of a common grazing to be apportioned under section 52(4) of that Act.
- (5) The Scottish Ministers may, by order, modify subsection (4) so as to—
- (a) add a step to;
  - (b) modify the description of a step in;

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- (c) remove a step from,  
that subsection.
- (6) But an order under subsection (5) may not add, as a step to subsection (4), the transfer (whether or not for valuable consideration) of the ownership of any land on which the croft is situated.
- (7) Where the Scottish Ministers exercise the power in subsection (5), they may by order modify Table 1 in schedule 2 so as to—
- (a) add a step to column 1 of that table;
  - (b) modify the description of any step mentioned in that column;
  - (c) remove a step from that column;
  - (d) add a person to column 2 of that table;
  - (e) modify the description of any person mentioned in that column;
  - (f) remove a person from that column.
- (8) The Scottish Ministers may, by regulations, make provision about when ownership is to be treated as transferred for the purposes of subsection (1)(b).
- (9) A person who, but for this subsection, would be required to register an owner-occupied croft by virtue of subsection (1)(b), need not register the croft if a step mentioned in subsection (4) is taken in relation to the croft.
- (10) In sections 5 to 19, “first registration” means the registration of an unregistered croft.
- (11) In this Part—  
“croft”—
- (a) in relation to an unregistered croft, means—
    - (i) a holding which is a croft within the meaning of section 3 of the 1993 Act; or
    - (ii) a new croft;
  - (b) in relation to a registered croft, means a holding which is a croft within the meaning of section 3ZA of that Act;
- “new croft” means land or a holding in relation to which the Commission have made a determination, under section 3A(1) or, as the case may be, (2) of the 1993 Act, to constitute the land or holding as a croft.

#### Textual Amendments

- F1** Word in s. 4(4)(1) omitted (retrospective to 1.10.2011) by virtue of [Crofting \(Amendment\) \(Scotland\) Act 2013 \(asp 10\)](#), ss. 3, 6, [Sch. para. 2\(2\)\(a\)](#)
- F2** S. 4(4)(1)(ia) inserted (retrospective to 1.10.2011) by [Crofting \(Amendment\) \(Scotland\) Act 2013 \(asp 10\)](#), ss. 3, 6, [Sch. para. 2\(2\)\(b\)](#)

#### Commencement Information

- I1** S. 4 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. 4(1)(4)-(9) in force at 30.11.2013 in so far as not already in force by [S.S.I. 2012/288](#), [art. 3\(1\)\(c\)](#) (with [Sch. 2 para. 2](#))
- I3** S. 4(2)(3) 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](#)

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- I4** S. 4(10)(11) 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\(a\)](#))

**Changes to legislation:**

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