



Crofting Reform (Scotland) Act 2010

2010 asp 14

PART 2

THE CROFTING REGISTER

Registration

5 Registration of events affecting registered crofts

- (1) The following events in relation to a registered croft must be registered, that is—
- (a) in the case of an owner-occupied croft, the transfer (whether or not for valuable consideration) of ownership of the croft;
 - (b) in any case other than the case of an owner-occupied croft—
 - (i) the transfer (whether or not for valuable consideration) of the ownership of any land on which the croft is situated;
 - (ii) a change of landlord of the croft;
 - (c) in any case, the taking, in relation to the croft, of any step mentioned in subsection (3).
- (2) But subsection (1) does not apply to a croft—
- (a) which was registered as a result of the taking of a step mentioned in subsection (4) of section 4 (other than a step mentioned in paragraph (e), (f), (h), (j), (k), (m), (n) or (p) of that subsection); and
 - (b) in respect of which a step mentioned in subsection (3) constitutes a change affecting the croft which requires to be notified to the Keeper under section 10.
- (3) The steps referred to in subsection (1)(c) are—
- (a) the enlargement of the croft under section 4 of the 1993 Act;
 - (b) the exchange of the croft under section 4A of that Act;
 - (c) the assignation of the croft under section 8 of that Act;
 - (d) the division of the croft—
 - (i) under section 9 of that Act; or
 - (ii) under section 19D of that Act;

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- (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 transfer of the crofter's interest in a lease of the croft under section 16(2) of the Succession (Scotland) Act 1964 (c.41);
 - (g) the giving of authorisation to resume the croft or part of the croft under section 20(1) of the 1993 Act;
 - (h) the granting under section 20(1C) of that Act of an extension of the period for which resumption of the croft is authorised;
 - (i) the making of a determination under section 20(1F) of that Act converting a temporary resumption of the croft into an ordinary resumption;
 - (j) the making of an order under section 21A of that Act that land resumed under section 20 is to revert to being a croft;
 - (k) the letting (or, as the case may be, re-letting) of the croft—
 - (i) (or part of the croft) under section 23(3) of that Act;
 - (ii) in accordance with proposals submitted under section 23(5) of that Act;
 - (iii) pursuant to a determination under section 23(5C) of that Act;
 - (iv) (or 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);
 - (l) the making of a decrofting direction under section 24(2) or [F1(3) or, as the case may be, 24B(1)] 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;
 - (ii) pursuant to a decision under section 26J(8) of that Act;
 - (o) the making of a change to, or in relation to, the croft by virtue of a provision of a reorganisation scheme prepared under section 38(8)(a) of that Act;
 - (p) the apportionment of a part of a common grazing to the crofter of the croft under section 52(4) of that Act;
 - (q) the bringing to an end, under subsection (12) of section 52 of that Act, of an apportionment of a part of a common grazing to the crofter of the croft under subsection (4) of that section.
- (4) The Scottish Ministers may, by order, modify subsection (3) so as to—
- (a) add a step to;
 - (b) modify the description of a step in;
 - (c) remove a step from,
- that subsection.
- (5) Where the Scottish Ministers exercise the power in subsection (4), they may by order modify Table 2 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;

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- (e) modify the description of any person mentioned in that column;
 - (f) remove a person from that column.
- (6) The Scottish Ministers may, by regulations, make provision about when ownership is to be treated as transferred for the purposes of subsection (1)(a) and (b)(i).

Textual Amendments

- F1** Words in s. 5(3)(l) substituted (retrospective to 1.10.2011) by [Crofting \(Amendment\) \(Scotland\) Act 2013 \(asp 10\)](#), ss. 3, 6, [Sch. para. 2\(3\)](#)

Commencement Information

- I1** [S. 5](#) 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. 5](#) 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](#)

Changes to legislation:

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