

# Crofting and Scottish Land Court Bill

[AS INTRODUCED]

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**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:**  
**Explanatory Notes (SP Bill 71-EN), a Financial Memorandum (SP Bill 71-FM), a Policy**  
**Memorandum (SP Bill 71-PM), a Delegated Powers Memorandum (SP Bill 71-DPM), a**  
**Report by the Auditor General for Scotland (SP Bill 71-AGR) and statements on legislative**  
**competence (SP Bill 71-LC).**

# Crofting and Scottish Land Court Bill

## [AS INTRODUCED]

An Act of the Scottish Parliament to amend crofting law; to provide for the merger of the Scottish Land Court and the Lands Tribunal for Scotland; and for connected purposes.

### PART 1

#### CROFTING REFORM

#### CHAPTER 1

#### CROFTS AND CROFTERS

##### *Duties*

#### **1 Enabling environmental uses of crofts**

(1) The 1993 Act is modified as follows.

(2) In section 5B (crofters: duty not to misuse or neglect croft)—

(a) for subsections (2) and (3), substitute—

“(2) A crofter misuses a croft where the crofter—

(a) wilfully and knowingly uses it otherwise than for the purpose of its being—

(i) cultivated,

(ii) put to any environmental use, or

(iii) put to such other purposeful use as is consented to under section 5C(4), or

(b) fails to—

(i) use the croft for the purposes of its being cultivated,

(ii) put the croft to any environmental use, or

(iii) put the croft to another purposeful use.

(3) A crofter neglects a croft where the croft is not managed so as to meet the standards of good agricultural and environmental condition referred to in

regulation 3(2), and in Part 2 of the schedule to, the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014 (SSI 2014 No. 325).”,

(b) subsection (4) is repealed.

(3) In section 5C (crofters: duty to cultivate and maintain)—

(a) for subsection (2), substitute—

“(2) Those duties are that the crofter—

(a) must—

(i) cultivate the croft,

(ii) put it to any environmental use, or

(iii) put it to another purposeful use,

(b) must ensure that every part of the croft which is capable of being cultivated or put to a use mentioned in paragraph (a)(ii) or (iii) is so cultivated or used,

(c) must keep the croft in a fit state for cultivation (except in so far as the use of the croft for a use mentioned in paragraph (a)(ii) or (iii) is incompatible with the croft being kept in such a state).”,

(b) in subsection (3), for “(b)” substitute “(c)”,

(c) in subsection (4), for “(2)(a)(ii)” substitute “(2)(a)(iii)”,

(d) after subsection (8), insert—

“(8A) In this section and section 5B, “environmental use” means any planned and managed use which does not adversely affect the use of adjacent land, which may include (but is not limited to) the person engaging in a use for the purpose of—

(a) peatland restoration,

(b) habitat creation and restoration,

(c) water management (for example, the making or improving of watercourses, ponds or wells),

(d) preserving, protecting, restoring, enhancing or otherwise improving the natural heritage or environment.

(8B) Without prejudice to the generality of subsection (8A), the Scottish Ministers may by regulations modify that subsection to add, amend or remove a purpose.”.

(4) In section 19C (duties of owner-occupier crofters)—

(a) in subsection (2), for paragraphs (c) and (d), substitute—

“(c) must—

(i) cultivate the croft,

(ii) put it to any environmental use, or

(iii) put it to another purposeful use,

(d) must ensure that every part of the croft which is capable of being cultivated or put to a use mentioned in paragraph (c)(ii) or (iii) is so cultivated or used,

(e) must keep the croft in a fit state for cultivation (except in so far as the use of the croft for a use mentioned in paragraph (c)(ii) or (iii) is incompatible with the croft being kept in such a state).”,

(b) for subsections (3) and (4), substitute—

“(3) For the purposes of subsection (2)(b), an owner-occupier crofter misuses an owner-occupied croft where the owner-occupier crofter—

(a) wilfully and knowingly uses it otherwise than for the purpose of its being—

(i) cultivated,

(ii) put to any environmental use, or

(iii) put to such other purposeful use, or

(b) fails to—

(i) use the croft for the purpose of its being cultivated,

(ii) put the croft to any environmental use, or

(iii) put the croft to any other such purposeful use.

(4) For the purposes of subsection (2)(b), an owner-occupier crofter neglects an owner-occupied croft where the croft is not managed so as to meet the standards of good agricultural and environmental condition referred to in regulation 3(2), and in Part 2 of the schedule to, the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014 (SSI 2014 No. 325).”,

(c) in subsection (5), for “(d)” substitute “(e)”,

(d) subsection (6) is repealed,

(e) after subsection (8), insert—

“(8A) In this section, “environmental use” has the meaning given in section 5C(8A).”

(5) In section 60(3) (regulations and orders), in paragraph (b), after “under” insert “section 5C(8B)”.

## **2 Removal of timescales for deciding applications**

(1) The 1993 Act is modified as follows.

(2) In section 5C (crofters: duty to cultivate and maintain), for subsection (7), substitute—

“(7) The Commission may—

(a) grant consent, either—

(i) subject to such conditions as they consider it appropriate to impose, or

(ii) without conditions, or

(b) refuse consent.”.

(3) In section 21B (Commission consent for absence from croft)—

(a) for subsection (4), substitute—

“(4) The Commission may—

(a) grant consent, either—

(i) subject to such conditions as they consider it appropriate to impose which may, in particular, relate to the duration of absence, or

(ii) without conditions, or

(b) refuse consent.”,

(b) subsection (5) is repealed.

### **3 Reporting on breaches of duties**

(1) The 1993 Act is modified as follows.

(2) In section 26A (Commission's duty to investigate suspected breach of duty)—

(a) for subsection (1), substitute—

“(1) This section applies where the Commission receives information in writing from a person mentioned in subsection (3) relating to a matter mentioned in subsection (2).”,

(b) in subsection (3)—

(i) in the opening words, for “(1)(b)” substitute “(1)”,

(ii) in paragraph (d), after “community” insert “of the township”,

(iii) after paragraph (d), insert—

“(e) a subtenant or short leaseholder of a croft within that township,

(f) the landlord or an owner of any part of the croft to which the matter mentioned in subsection (2) relates.”,

(c) in subsection (5), for “(1)(b)” substitute “(1)”.

(3) In section 49A (grazings committees: duty to report)—

(a) in subsection (1), paragraphs (b) and (c) are repealed,

(b) subsection (2) is repealed.

### **4 Enforcement of duties**

(1) The 1993 Act is modified as follows.

(2) In section 26B (enforcement of duties of crofters and owner-occupier crofters: general), in subsection (4), after “26D” insert “, 26DA, 26DB”.

(3) For section 26C and section 26D substitute—



**“26C Notice of suspected breach of duty**

- (1) The Commission must, unless they consider that there is a good reason not to, give the relevant person a notice—
- (a) informing the person that the Commission consider that the duty is not being complied with,
  - (b) indicating that the person may, before the expiry of the period of 28 days beginning with the day on which notice is given to the person, either—
    - (i) make representations to the Commission, or
    - (ii) give an undertaking to comply with the duty before the expiry of such period as the Commission consider reasonable.
- (2) The notice must—
- (a) explain the reasons why the Commission consider that the duty is not being complied with,
  - (b) explain—
    - (i) that the giving of the undertaking by the person constitutes acceptance by the person that the duty is not being complied with,
    - (ii) what the person must do to comply with the undertaking, and
    - (iii) that if the person complies with the undertaking accepted by the Commission, no further action will be taken against the person in respect of the failure to comply with that duty, and
  - (c) explain that the Commission may decline to do anything in relation to an application made under this Act in which the relevant person has an interest (see subsection (3)),
  - (d) explain the consequences for failure to—
    - (i) make representations to the Commission, or
    - (ii) give an undertaking, and
  - (e) where given to a crofter, be copied to the landlord of the croft.
- (3) Where a notice is given to a person under subsection (1), the Commission may decline to do anything in relation to an application made under this Act in which the relevant person has an interest until—
- (a) the Commission are satisfied the duty is being complied with, or
  - (b) any of the circumstances mentioned in section 26E(ca), (d)(i), (e)(i) or (f)(i) apply.
- (4) Subsection (3) has effect—
- (a) despite any duty imposed on the Commission under this Act to do anything in relation to an application made to them before the end of a specified period, and
  - (b) the period is to be treated as beginning on the occurrence of either of the events mentioned in paragraph (a) or (b).

**26D Procedure if representations are made**

- (1) This section applies if the relevant person makes representations to the Commission in accordance with section 26C(1)(b)(i).
- (2) In deciding whether the duty is being complied with, the Commission—
- 5       (a) must have regard to any representations received within the period specified in section 26C(1),
- (b) may also have regard to any representations received after the period specified in section 26C(1).
- (3) If the Commission decide that the duty is not being complied with they must, before taking any action under section 26H or 26J, give the relevant person a further notice giving the person an opportunity to give an undertaking to comply with the duty before the expiry of such period as the Commission consider reasonable.
- 10
- (4) The notice must—
- 15       (a) explain—
- (i) that the relevant person must give the undertaking before the expiry of the period of 28 days beginning with the day on which the notice is given,
- (ii) that the giving of the undertaking by the person constitutes acceptance by the person that the duty is not being complied with,
- 20       (iii) what the person must do to comply with the undertaking, and
- (iv) that if the person complies with the undertaking accepted by the Commission, no further action will be taken against the person in respect of the failure to comply with that duty, and
- 25       (b) where given to a crofter, be copied to the landlord of the croft.

**26DA Procedure if undertaking is given**

- (1) This section applies if the relevant person gives an undertaking to the Commission following—
- 30       (a) a notice given under section 26C(1), or
- (b) a notice given under section 26D(3).
- (2) The Commission may—
- (a) accept the undertaking—
- (i) subject to such conditions as they consider appropriate,
- (ii) without conditions, or
- 35       (b) reject the undertaking.
- (3) If an undertaking is accepted by the Commission but, at a later time, the Commission become satisfied that either—
- (a) it is not practicable to comply with the undertaking (the “original undertaking”), or

- (b) the relevant person may take other steps to comply with the duty which differ from the steps specified in the original undertaking,

the Commission may accept a modified undertaking subject to such conditions as they consider appropriate or without conditions.

**26DB Procedure if no representations made or if no undertaking is given or accepted**

- (1) This section applies if, following a notice given under section 26C(1), the relevant person fails to—

- (a) make representations in accordance with section 26C(1)(b)(i), or
- (b) give an undertaking to comply with the duty which is accepted by the Commission under section 26DA.

- (2) In deciding whether the duty is being complied with, the Commission may—

- (a) infer that the failure to make representations or give an undertaking constitutes acceptance by the person that the duty is not being complied with,
- (b) have regard to any representations made after the period specified in section 26C(1).”.

- (4) In section 26E (circumstances where the Commission may not take action under section 26H or 26J), for paragraphs (a) to (c), substitute—

- “(a) the period specified in the notice under section 26C or (as the case may be) section 26D for the giving of an undertaking has not expired,
- (b) the Commission has accepted an undertaking under section 26DA and the period for complying with the undertaking has not expired,
- (c) such an undertaking has been complied with,
- (ca) in the case of a crofter—
  - (i) the Commission have consented to the assignation of a croft under section 8, or
  - (ii) an application to assign has been made under section 8 and has not yet been determined.”.

- (5) In section 26J (owner-occupier crofters: letting procedure), in subsection (4), for “(as soon as is reasonably practicable) proceed” substitute “, unless they consider that there is good reason not to, proceed (as soon as is reasonably practicable)”.

- (6) In section 26K (appeals)—

- (a) in subsection (1), for “26C(5)” substitute “26D or 26DB”,
- (b) after subsection (1), insert—

“(1A) A relevant person may appeal to the Land Court against a decision of the Commission under section 26C(3) to decline to do anything in relation to an application made under this Act.”.

- (c) in subsection (2) for “26D” substitute “26DA”,

## **5 Enforcement action against subtenants and tenants of short leases**

- (1) The 1993 Act is modified as follows.
- (2) In section 29A (letting of owner-occupied crofts)—
  - (a) subsection (6) is repealed,
  - (b) in subsection (10), for “(6)” substitute “(5)”,
- (3) After section 29B, insert—

*“Commission’s powers: subleases and short leases*

### **29BA Commission’s powers: subleases and short leases**

- (1) This section applies to—
  - (a) a sublease which has been granted in accordance with section 27(2) (with or without any conditions imposed by the Commission), or
  - (b) a lease which has been granted in accordance with section 29A(4) (with or without conditions imposed by the Commission).
- (2) Subsection (3) applies if the Commission is satisfied that—
  - (a) a condition imposed by them is breached,
  - (b) a condition of let (other than any relating to rent) is breached, or
  - (c) the subtenant or, as the case may be, tenant is acting in a way which is incompatible with a duty mentioned in sections 5AA, 5B, 5C or, as the case may be, section 19C.
- (3) The Commission may make an order—
  - (a) varying or revoking any condition imposed by them,
  - (b) imposing a new condition, or
  - (c) withdrawing their consent to and terminating the sublease or lease.”.

## **6 Power to decline to act until information provided**

- (1) The 1993 Act is modified as follows.
- (2) In section 40 (obtaining of information by Commission)—
  - (a) for subsection (3) substitute—

“(3) Where a requirement is imposed on a person under subsection (1), the Commission may decline to do anything in relation to any application made under this Act in which the relevant person has an interest (whether the requirement imposed relates to the application or otherwise) until the Commission are satisfied either that the requirement has been complied with or that it is not practicable to comply with the requirement.

- (3A) Subsection (3) has effect—

- (a) despite any duty imposed on the Commission under this Act to do anything in relation to an application made to them before the end of a specified period, and

(b) the period is to be treated as beginning on the occurrence of the Commission becoming satisfied either that the requirement has been complied with or that it is not practicable to comply with the requirement.”,

(b) after subsection (4), insert—

“(4A) Where a requirement is imposed on a person under subsection (1) and the Commission decline to do anything in relation to an application by virtue of subsection (3)—

(a) the Commission must (as soon as reasonably practicable) notify the applicant of their decision to decline to do anything with the application (and the reason for that decision),

(b) section 52A applies as if the decision to decline to do anything with the application were a decision of the Commission on an application to them under this Act.”.

(3) In section 40A(6) (annual notices)—

(a) for “Subsection (2) of section 40 applies” insert “Subsections (2), (3) and (4A) of section 40 apply”,

(b) for “it applies” substitute “they apply”.

## **7 Statutory conditions: entitlement to fixed equipment**

(1) The 1993 Act is modified as follows.

(2) In schedule 2 (the statutory conditions)—

(a) for paragraph 4 substitute—

“4 The crofter is not entitled to any fixed equipment from the landlord in respect of the croft.”,

(b) paragraph 7 is repealed.

## *Assignations*

## **8 Assignations to family members**

(1) The 1993 Act is modified as follows.

(2) In section 8 (assignation of croft), after subsection (1B) insert—

“(2A) Subject to subsection (1B), if the Commission are satisfied that the conditions in subsections (2B) are met—

(a) they must—

(i) consent to the assignation of the crofter’s croft, and

(ii) within 21 days of being so satisfied, notify the crofter, proposed assignee and the landlord that they are satisfied, and

(b) the following provisions of section 58A do not apply to the application—

(i) subsections (3) to (7),

- (ii) in subsection (11), the words “or grant it subject to conditions”,
- (iii) subsections (12A), (16) and (17).

(2B) The conditions are—

- (a) the proposed assignee is a member of the crofter’s family,
- (b) the proposed assignee complies or, at the time the assignation takes effect, will comply, with the duty in section 5AA,
- (c) the proposed assignee is not entered in the Register of Crofts as the tenant or owner-occupier crofter of three or more crofts, and
- (d) the landlord of the croft—
  - (i) has been notified of the proposed assignation (including, in particular, that the proposed assignee is a member of the crofter’s family),
  - (ii) has been given a period of at least 28 days to object to the proposed assignation, and
  - (iii) during that period, has either consented or not objected to the proposed assignation.”.

#### *Owner-occupier crofters*

### **9 Meaning of “owner-occupier crofter” etc.**

- (1) The 1993 Act is modified as follows.
- (2) In section 19B (meaning of owner-occupier crofter)—
  - (a) in subsection (1)—
    - (i) the words “all the conditions in subsections (2) to (4) are satisfied,” become paragraph (a),
    - (ii) after that paragraph insert, “or
    - (b) the Commission determines the person to be an owner-occupier crofter under section 19BA(1).”,
  - (b) in subsection (3)—
    - (i) the “or” immediately following paragraph (b) is repealed,
    - (ii) after paragraph (c), insert “or
    - (d) is a successor in title to a person who was determined by the Commission to be the owner-occupier crofter of the croft under section 19BA.”,
  - (c) in subsection (4)—
    - (i) the “or” immediately following paragraph (a) is repealed,
    - (ii) after paragraph (b) insert, “or
    - (c) at any time since the Commission made their determination as mentioned in subsection (3)(d).”,
  - (d) after subsection (5) insert—

“(5A) For the purpose of subsection (2), “owner” includes a person whose title to a croft has not been completed by being registered in the Land Register of Scotland or, as the case may be, recorded in the General Register of Sasines.”,

(e) after subsection (6) insert—

“(7) The Scottish Ministers may by regulations make further provision about circumstances in which the first condition is satisfied including, in particular, provision about what land or rights may be considered a croft (or a part of a croft) for the purpose of that condition.

(8) Before making regulations under subsection (7), the Scottish Ministers must consult the Commission.

(9) Regulations under subsection (7) may include such consequential, transitional, transitory or saving provision as the Scottish Ministers consider necessary or expedient.”.

(3) After section 19B insert—

**“19BA Determination that a person is the owner-occupier crofter in certain circumstances**

(1) The Commission may, on an application from an individual who is the owner of a registered croft that is vacant, determine that the applicant is the owner-occupier crofter of the croft.

(2) Section 58A, as modified by subsection (3) of this section, applies to the Commission making a determination under subsection (1) as it applies to the Commission making a decision in respect of an application for approval or consent.

(3) But the following provisions of section 58A do not apply for the purpose of making a determination under this section—

(a) subsections (3) to (5B),

(b) in subsection (6), the words “When those 28 days have elapsed”,

(c) paragraphs (b) and (f) of subsection (7),

(d) paragraph (b) of subsection (12A), and

(e) subsections (16) and (17).

(4) Where an owner has submitted an application under subsection (1), the duties in section 23(5) and (5A) do not apply until the Commission has determined the application.

(5) The notification requirement arising by virtue of section 23(12A) does not apply where an owner of a vacant croft is determined to be an owner-occupier crofter under subsection (1).

(6) For the purposes of subsection (1), “owner” is to be construed in accordance with section 19B(2) (including any regulations made in that regard under section 19B(7)).”.

**10 Prohibition on transfers of owner-occupied crofts to persons who are not individuals**

(1) The 1993 Act is modified as follows.

- (2) After section 19BA (as inserted by section 8 of this Act) insert—

**“19BB Prohibition on transfers of owner-occupied crofts to persons who are not individuals**

- (1) This section applies to any croft owned by an owner-occupier crofter.
- (2) After the relevant date, any transfer of the title to the croft to a person who is not an individual is null and void (as is any deed purporting to effect such transfer).
- (3) For the purpose of subsection (2), the “relevant date” is the date on which section 10(2) of the Crofting and Scottish Land Court Act 2026 comes into force.”.

*Restriction on assignment and acquisition following Commission let*

**11 Ten-year restriction on assignment and acquisition following Commission let**

- (1) The 1993 Act is modified as follows.
- (2) In section 23 (vacant crofts), after subsection (6), insert—
- “(6A) Where a croft has been let by the Commission under subsection (5C)—
- (a) the Commission must not consent to an application for the assignment of the croft (or any part) under section 8(1), and
- (b) the Land Court must not make an order under section 13(1)(a) authorising the acquisition of the croft land (or any part),
- within the period of 10 years beginning with the date of the let.”.
- (3) In section 26J (owner-occupier crofters: letting procedure), after subsection (12), insert—
- “(13) Where an owner-occupied croft has been let by the Commission under subsection (8)—
- (a) the Commission must not consent to an application for the assignment of the croft (or any part) under section 8(1), and
- (b) the Land Court must not make an order under section 13(1)(a) authorising the acquisition of the croft land (or any part),
- within the period of 10 years beginning with the date of the let.”.

*Decrofting*

**12 Decrofting direction: rationalisation of routes and requirements**

- (1) The 1993 Act is modified by subsections (2) and (3).
- (2) In section 24 (decrofting in case of resumption or vacancy of croft)—
- (a) in subsection (3), for “Where a croft” substitute “Subject to section 25(1), where a croft”.
- (b) after subsection (3B), insert—



“(3BA) But subsection (3B) does not apply in relation to an application which is made in respect of a croft the conveyance in feu of which was granted under section 17 or 18 of the 1955 Act.”

(3) In section 25 (provisions supplementary to s.24(3))—

(a) in subsection (1)—

(i) in the opening words, for “shall” where it first occurs substitute “may only”,

(ii) in paragraph (a), the words “subject to subsection (2) below,” are repealed,

(b) subsection (2) is repealed.

(4) The 2010 Act is modified by subsection (5).

(5) In section 4(4) (first registration), in paragraph (1)(ii), after “that Act” insert “(unless the application is made in respect of a croft the conveyance in feu of which was granted under section 17 or 18 of the 1955 Act)”.

### **13 Commission decision-making on decrofting applications**

(1) The 1993 Act is modified as follows.

(2) In section 24C(2) (application of section 25 in relation to decrofting directions), in substituted paragraph (b)(ii), after “under section” insert “24(3) or”.

(3) In section 25 (provisions supplementary to s.24(3))—

(a) in subsection (1B), after paragraph (b) insert—

“(c) any plan of the Commission approved and published under section 2C,

(d) any other matter which the Commission consider relevant,”

(b) after subsection (1C), insert—

“(1D) In determining whether they are satisfied in respect of any matter mentioned in subsections (1)(a) and (b), the Commission may take into account whether a direction under section 24(3) has already been given in relation to land which previously formed part of the croft (or was deemed to form part of the croft by virtue of section 3(4) or (5)).”

(c) after subsection (6) insert—

“(6A) As regards—

(a) an application under section 24(3), a member of the crofting community of the township within which the land is situated,

(b) an application under subsection (4) of this section, the owner of the land, may, within the period of 28 days beginning with the day of the public notification of the application under subsection (6), submit to the Commission an objection as regards the application.

(6B) In considering their decision on the application, the Commission—

(a) must have regard to any objection received under subsection (6A),

(b) may (despite subsection (6A)) accept an objection submitted after the end of the 28-day period if they consider there is a good reason why the objection is late.

(6C) Subsections (16) and (17) of section 58A apply to objections under subsection (6A) of this section as they apply to objections under that section.”.

*Boundaries: adjustment and remapping*

**14 Commission’s power to adjust boundaries**

- (1) The 1993 Act is modified by subsection (2).
- (2) After section 39, insert—

*“Boundaries*

**39A Commission’s power to adjust boundaries**

- (1) This section applies where two or more crofters or owner-occupier crofters of registered crofts agree that the boundaries of their respective crofts should be adjusted.
- (2) The crofters or owner-occupier crofters may apply jointly to the Commission for a direction that the boundaries be adjusted (a “boundaries adjustment”).
- (3) An application must include a plan based on the ordnance map (or such other map as the Commission considers appropriate) identifying the requested boundaries of the crofts.
- (4) The Commission may make a direction if they are satisfied that—
  - (a) in the case of an application involving a crofter, the crofter (or each of them) has obtained the consent of the landlord of the croft to make an application under subsection (2),
  - (b) the period mentioned in section 12(5) of the 2010 Act, in relation to each registered croft, has expired, and
  - (c) the boundaries adjustment does not affect any land deemed to form part of a croft by virtue of section 3(4) or (5).
- (5) A direction under this section may not alter the total area of the land comprising the crofts affected by the boundaries adjustment.
- (6) Section 58A, as modified by subsection (7) of this section, applies to the Commission making a direction under subsection (4) as it applies to the Commission making a decision in respect of an application for approval or consent.
- (7) The following provisions of section 58A do not apply for the purpose of making a determination under this section—
  - (a) subsections (3) to (5B),
  - (b) in subsection (6), the words “When those 28 days have elapsed”,
  - (c) paragraphs (e) and (f) of subsection (7),
  - (d) paragraph (b) of subsection (12A), and

(e) subsections (16) and (17).

(8) Where the Commission make a direction under subsection (4)—

(a) the direction expires at the end of the period of 3 months beginning with the date on which the direction is made unless an application for registration of the boundaries adjustment is submitted by virtue of section 5 of the 2010 Act before the expiry of that period,

(b) the boundaries adjustment takes effect on the date of registration.

**39B Commission’s power to bring land into, or move land outwith, crofting tenure**

(1) This section applies where a crofter or owner-occupier crofter of a registered croft considers that—

(a) the description of the croft in the registration schedule does not correspond with the occupied extent of the croft or the boundary is otherwise inaccurate or undesirable in some respect, and

(b) either (or both)—

(i) land ought to be added to the extent of the croft,

(ii) land ought to be removed from the extent of the croft.

(2) The crofter or owner-occupier crofter may apply to the Commission for a direction that the boundary be remapped (“a boundary remapping”).

(3) A crofter or owner-occupier making an application under subsection (2) may make the application jointly with one or more other crofters or owner-occupier crofters under that subsection.

(4) An application must include a plan based on the ordnance map (or such other map as the Commission considers appropriate) identifying the requested boundary and extent of the croft.

(5) The Commission may make a direction if they are satisfied that—

(a) the description of the croft in the registration schedule does not correspond with the occupied extent of the croft or the boundary is otherwise inaccurate or undesirable in some respect,

(b) in the case of an application involving a crofter, the crofter (or each of them) has obtained the consent of the persons mentioned in subsection (6)(a) and (b) to make an application under subsection (2),

(c) in the case of an application involving an owner-occupier crofter, the owner-occupier crofter (or each of them) has obtained the consent of the persons mentioned in subsection (6)(b) to make an application under subsection (2), and

(d) the boundary remapping does not affect any land deemed to form part of a croft by virtue of section 3(4) or (5).

- (6) The persons referred to in subsection (5) are each person who has an interest in—
- (a) the registered croft, which may (as appropriate) include—
    - (i) the owner of the croft,
    - (ii) the landlord of the croft,
  - (b) any land which would be affected by a change to the boundary of the croft, which may (as appropriate) include—
    - (i) the owner of any adjacent croft,
    - (ii) the landlord of any adjacent croft,
    - (iii) the crofter of any adjacent croft,
    - (iv) the owner-occupier crofter of any adjacent croft,
    - (v) the owner of any adjacent land (not being land which is an adjacent croft), and
    - (vi) the occupier of any adjacent land (not being land which is an adjacent croft).
- (7) Section 58A applies to the Commission making a direction under subsection (5) as it applies to the Commission making a decision in respect of an application for approval or consent.
- (8) Where the Commission make a direction under subsection (5)—
- (a) the direction expires at the end of the period of 3 months beginning with the date on which the direction is made unless an application for registration of the boundary remapping is submitted by virtue of section 5 of the 2010 Act before the expiry of that period,
  - (b) the boundary remapping takes effect on the date of registration.”.
- (3) The 2010 Act is modified by subsections (4) and (5).
- (4) In section 5(3) (registration of events affecting registered crofts), after paragraph (o), insert—
- “(oa) the making of a direction under section 39A to adjust the boundaries of two or more crofts,
  - (ob) the making of a direction under section 39B to remap the boundary of the croft,”.
- (5) In schedule 2, in table 2, after the entry relating to the preparation of a reorganisation scheme as mentioned in section 5(3)(o), insert—

“The making of a direction as mentioned in section 5(3)(oa)	The crofters, or owner-occupier crofters, who applied for that direction
The making of a direction as mentioned in section 5(3)(ob)	The crofter, or owner-occupier crofter, who applied for that direction”

*Common grazings*

**15 Common grazings: unattached shares etc.**

- (1) The 1993 Act is modified as follows.
- (2) In section 12 (general provisions relating to the acquisition of crofts), after subsection (2) insert—

“(2A) Except in so far as the conveyance expressly provides otherwise, the acquisition of the croft land includes, as a pertinent of the croft land, any right of the type mentioned in section 3(4)(a) or (b) which pertains to the croft land at the time of acquisition (and any such right is deemed to continue to form part of the croft).”.

- (3) In section 52 (miscellaneous provision as to common grazings etc.), in subsection (1E)(b), for sub-paragraph (ii) substitute—

“(ii) either—

(A) apportion the share or part to other persons sharing in the common grazing, or

(B) give notice to the owner under section 52ZA(2) in respect of the share or part in the same manner as if it were an unattached grazing share (within the meaning of that section).”.

- (4) After section 52, insert—

**“52ZA Unattached grazing shares**

(1) This section applies to any right or land that is or was deemed to be a croft under section 3(5) (such right or land being referred to in this section as an “unattached grazing share”) which has, for any reason, become vacant.

(2) The Commission may, in respect of an unattached grazing share (“the share”), give notice to the owner of the share requiring the owner to submit to them, before the expiry of the period of 2 months beginning with the day on which the notice is given (“the proposal period”), the owner’s proposals for the allocation and re-letting of the share (in whole or in part).

(3) Not more than three proposals may be submitted to the Commission in response to a notice given under subsection (2).

(4) Where a proposal for the allocation and re-letting of the share is submitted to the Commission in response to a notice given under subsection (2), the Commission must approve or reject the proposal within the period of 3 months beginning with the day on which the notice under subsection (2) was given.

(5) The Commission must (as soon as is reasonably practicable) proceed in accordance with subsections (6) and (7) if—

(a) no proposals for the allocation and re-letting of the share are submitted by the owner before the expiry of the proposal period,

(b) the owner has submitted one or two proposals for the allocation and re-letting of the share within the proposal period, and—

(i) all such proposals are rejected by the Commission, and

- (ii) the proposal period has expired, or
- (c) the owner has submitted three proposals for the allocation and re-letting of the share within the proposal period and the Commission have rejected all three.
- 5       (6) The Commission must, by public notification, invite applications for tenancy of the share within such period as is specified in the notification.
- (7) When the period specified in the notice has elapsed, the Commission must determine—
  - (a) to which of the applicants (if any) to allocate and let the share, and
  - 10       (b) in consultation with the owner, on what terms and conditions the letting is to occur.
- (8) The Commission must consult with the grazings committee (if any) before—
  - (a) approving or rejecting a proposal under subsection (4), and
  - 15       (b) determining which applicant is to be allocated and let the share under subsection (7)(a).
- (9) Following the allocation and letting of the share (whether by virtue of approval under subsection (4), or as the case may be, determination under subsection (7)(a)), the Commission must ensure that the Register of Crofts and the Crofting Register are appropriately updated.
- 20       (10) This section does not limit the powers and duties of the Commission under section 23 (vacant crofts) in respect of an unattached grazing share.
- (11) In this section, a reference to the allocation of an unattached grazing share is a reference to the share (in whole or in part) being offered to (either or both)—
  - (a) a person who already has a share in the common grazing concerned
  - 25       (whether as a crofter or otherwise),
  - (b) a person who does not have a share in the common grazing concerned.”.

## **16       Grazings committees meetings**

- (1) The 1993 Act is modified as follows.
- (2) In section 47 (Appointment, etc., of grazings committee or grazings constable.)—
  - 30       (a) in subsection (1), for “public notification has” insert “public notification and notification to the Commission have”,
  - (b) after subsection (4), insert—
    - “4A) A public meeting to appoint a new grazings committee must be held no earlier than 3 months before the date of the expiry of the period of the term of office mentioned in subsection (4).”
- 35       (3) After section 50B, insert—

### **“50C       Meetings related to common grazings: attendance by electronic means**

Nothing in sections 47, 48 or 50B precludes the holding of a particular meeting referred to or required by those sections by electronic means (without requiring

physical attendance at a particular place by participants) and common grazings regulations under section 49(2)(g) may make provision accordingly.”

**17 Appointment, etc., of grazings committee or grazings constable: appeal to Land Court**

(1) The 1993 Act is modified as follows.

(2) After section 47, insert—

**“47A Appeals**

(1) A relevant person may appeal to the Land Court against a decision of the Commission under section 47(8) to—

(a) remove either (or both)—

(i) any or all of the members of a grazings committee,

(ii) the grazings clerk (within the meaning given in section 47(6A)) of the committee, or

(b) appoint or provide for the appointment of other persons in their place.

(2) An appeal under subsection (1) must be made before the expiry of the period of 42 days beginning with the day on which the decision is made.

(3) An appeal under subsection (1) may be made only on one or more of the following grounds—

(a) that the Commission erred in law,

(b) that the Commission made a finding as to a fact material to the decision but did not have sufficient evidence on which to base that finding,

(c) that the Commission acted contrary to natural justice,

(d) that the Commission took into account certain irrelevant or immaterial considerations,

(e) that the Commission failed to take into account certain relevant or material considerations,

(f) that the Commission exercised their discretion in an unreasonable manner.

(4) In an appeal under this section, the Land Court may—

(a) confirm or revoke the decision,

(b) direct the Commission to make a different decision, or

(c) remit the case to the Commission without so directing them.

(5) The Commission must give effect to the decision of the Land Court on an appeal under this section.

(6) In this section, a “relevant person” means a person who—

(a) either (or both)—

(i) is a member of the grazing committee to which the decision of the Commission relates,

(ii) is the grazings clerk of that committee, or

- (b) would have been a person mentioned in paragraph (a)(i) or (ii), but for the decision of the Commission.”

## **18 Use of common grazings for forestry or environmental purposes**

- (1) The 1993 Act is modified as follows.

- (2) In section 48 (powers and duties of grazings committees)—

- (a) for subsection (4) substitute—

“(4) Where a determination has been entered into the Register of Crofts in accordance with section 50ZA, the grazings committee may—

- (a) plant trees on, and use as woodlands, any part of the common grazing,  
or

- (b) use any part of the common grazing for an environmental purpose,  
in accordance with the determination (but see subsection (6)).”

- (b) in subsection (6), for “planted with trees and used as woodlands” substitute “used—

- (a) as woodlands, or

- (b) for an environmental purpose.”

- (3) For section 50 (use of common grazings for forestry purposes), substitute—

### **“50 Use of common grazings for forestry or environmental purposes: consent of owner**

- (1) Subsection (2) applies where a grazings committee or any crofter who holds a right in the common grazing, proposes that the committee should, in exercise of their power under section 48(4)—

- (a) plant trees on, and use as woodlands, any part of the common grazing,  
or

- (b) use any part of the common grazing for an environmental purpose.

- (2) The grazings committee must apply to the owner of the common grazing requesting consent to the proposed use of the part of the common grazing concerned.

- (3) The owner may, on an application under subsection (2), decide to—

- (a) grant consent—

- (i) subject to reasonable conditions,

- (ii) without conditions, or

- (b) refuse consent on (and only on) the grounds that implementation of the proposal would—

- (i) adversely affect the exercise of any rights which the owner has under or by virtue of Schedule 2,

- (ii) prevent an intended resumption by virtue of section 20(1),

- (iii) be substantially detrimental to the sound management of the estate which comprises the land,



- (iv) cause hardship to a crofter who shares in the common grazing,
- (v) cause the owner undue hardship, or
- (vi) lessen significantly the amenity of (either or both)—

(A) the land,

(B) its surrounding area.

(4) A decision under subsection (3) must—

- (a) specify the part of the common grazing to which it relates,
- (b) where the decision is to refuse consent, provide reasons explaining the basis of the refusal by reference to the grounds mentioned in subsection (3)(b), and
- (c) be given to—
  - (i) the grazings committee, and
  - (ii) the Commission.

(5) If the owner does not make a decision under subsection (3) (and in accordance with subsection (4)) within the period of 6 weeks beginning with the day on which the application is made, the owner is deemed to have decided to grant consent, without conditions, to the proposed use of the part of the common grazing.

(6) The reference in this section and section 50ZA to using any part of the common grazing as woodlands is to having the right to exclusive economic and recreational use, including (but not limited to)—

- (a) felling, removing, selling and replacing the trees in question,
- (b) collecting trimmings, fallen timber, foliage, sap, flowers, fruit, seeds or nuts for use or sale,
- (c) grazing animals in the woodlands, and
- (d) selling timber, timber products and other forestry products.

(7) The reference in this section and section 50ZA to using any part of the common grazing for an environmental purpose, includes (but is not limited to) using the land for—

- (a) peatland restoration,
- (b) habitat creation and restoration,
- (c) water management (for example, the making or improving watercourses, ponds or wells),
- (d) preserving, protecting, restoring, enhancing or otherwise improving the natural heritage or environment.

(8) But subsections (6) and (7) are without prejudice to any person's access rights (within the meaning of Part 1 of the Land Reform (Scotland) Act 2003).

(9) Consent granted or deemed to be granted under this section is of no effect unless confirmed by the Commission under section 50ZA and entered into the Register of Crofts (see section 50ZA(7)).

- (10) Without prejudice to the generality of subsection (7), the Scottish Ministers may by regulations modify that subsection to add, amend or remove a use.

**50ZA Use of common grazings for forestry or environmental purposes: application to and determination by Commission**

- (1) This section applies where—
- (a) the grazings committee has made an application under section 50(2) to the owner of a common grazing requesting consent to—
    - (i) plant trees on, and use as woodlands, any part of the common grazing, or
    - (ii) use any part of the common grazing for an environmental purpose, and
  - (b) the owner, either—
    - (i) makes a decision under section 50(3), or
    - (ii) fails to make a decision under that section within the period of 6 weeks beginning with the day on which the application is made.
- (2) The grazings committee must apply to the Commission for a determination that the decision under section 50(3), or deemed decision under subsection (5) of that section, is reasonable.
- (3) Where an application under subsection (2) relates to a decision by the owner under subsection (3)(a)(ii) to grant consent without conditions, the Commission must determine the decision is reasonable.
- (4) Where an application under subsection (2) relates to any other decision by the owner (including a deemed decision under subsection (5) of that section) the Commission may—
- (a) determine the decision is reasonable,
  - (b) in relation to a decision to refuse consent, if the Commission is not satisfied that any of the grounds mentioned in subsection (3)(b) as grounds for refusing consent has been made out, determine that the consent is to be deemed given—
    - (i) subject to conditions,
    - (ii) without conditions,
  - (c) in relation to a decision to grant consent so applied for but subject to a condition, if the Commission is not satisfied that the condition is reasonable, determine that the consent is to be deemed given—
    - (i) free of the condition, or
    - (ii) subject instead to a condition specified in the determination.
- (5) Before making a determination under subsection (4) the Commission must consult—
- (a) the grazings committee,
  - (b) the owner,

- (c) the crofters who share in the common grazing, and
    - (d) such other persons as appear to the Commission to have an interest.
  - (6) A determination under subsection (3) or (4) which determines the decision, or deemed decision, of the owner to grant consent is reasonable or (as the case may be) determines consent is to be deemed given must—
    - (a) specify—
      - (i) the part of the common grazing to which the consent granted or deemed to be granted relates,
      - (ii) the conditions (if any) of such consent.
    - (b) be given to—
      - (i) the grazings committee, and
      - (ii) the owner.
  - (7) A determination under subsection (3) or (4) which determines the decision, or deemed decision, of the owner to grant consent is reasonable or (as the case may be) determines consent is to be deemed given—
    - (a) must be entered in the Register of Crofts,
    - (b) on being entered is binding on the successors to the owner's interest.
  - (8) But any determination under this section which determines the decision, or deemed decision, of the owner to grant consent is reasonable or (as the case may be) determines consent is to be deemed given ceases to have effect if the use of the part of the common grazing to which the determination relates has not commenced on the expiry of the period of 7 years beginning with the date on which the determination is entered in the Register of Crofts.
  - (9) Where a determination specifies a condition that land be fenced, or otherwise enclosed, any expenditure incurred in complying with that condition (including expenditure incurred in connection with maintenance, repair or renewal) must be met—
    - (a) in a case where the applicant is the grazings committee, by that committee, and
    - (b) in any other case, jointly and severally by the crofters or owner-occupier crofters sharing in the common grazing.
  - (10) Section 58A, as modified by subsection (11) of this section, applies to the Commission making a determination under subsection (4) as it applies to the Commission making a decision in respect of an application for approval or consent.
  - (11) Subsection (7)(a) to (d) of section 58A does not apply for the purpose of making a determination under this section.”.
- (4) After section 50A (joint forestry ventures etc.), insert—
- “50AA Joint environmental ventures**
- (1) A crofter who holds a right in a common grazing, or a grazings committee, may, with the agreement of the Commission, enter into a written agreement with the owner of the common grazing to engage in a joint venture to use any

part of the common grazing for an environmental purpose (within the meaning of section 50).

(2) The agreement is binding on the parties to it and their successors (but see subsection (4)).

(3) Where an agreement is entered into under subsection (1), a copy of that agreement must be lodged with the Commission.

(4) The persons who for the time being are bound by the agreement in question may by written agreement lodged with the Commission under this subsection amend the agreement lodged under subsection (3) (or as the case may be that agreement as last amended under this subsection).”.

(5) In section 50B (use of common grazing for other purposes)—

(a) in subsection (1)—

(i) the “or” immediately after paragraph (a) is repealed,

(ii) after paragraph (b), insert “, or

(c) an environmental purpose.”,

(b) for subsection (2), substitute—

“(2) The use proposed must not be such as would be substantially detrimental to the use being made, as at the time of application, of the other parts of the common grazing.”,

(c) in subsection (4)—

(i) in paragraph (a)(i), “by registered post” is repealed,

(ii) paragraph (d) is repealed,

(d) subsection (5) is repealed.

(6) In section 53(1) (jurisdictional provisions), paragraph (e) is repealed.

(7) In section 60(3) (regulations and orders), in paragraph (b), after “section 5C(8B)” (inserted by section 1(5)) insert “, section 50(10) or”.

#### *Meaning of crofting community, parish and township*

### **19 Meaning of “crofting community”, “parish” and “township”**

(1) The 1993 Act is modified as follows.

(2) In section 61 (interpretation)—

(a) in subsection (1), the definition of “crofting community” is repealed”,

(b) after subsection (1), insert—

“(1A) In this Act, a reference to a “crofting community” is a reference to—

(a) the persons who are (or who are deemed to be) crofters of crofts situated within a township,

(b) the persons who are owner-occupiers of crofts situated within that township, and

(c) any other person who has a share in any common grazings associated with that township,

and a reference to a “member of a crofting community” is to be construed accordingly.

5 (1B) In this Act, unless the context otherwise requires, a reference to a “parish” or a “township” within which something is situated is a reference to the parish or township entered in the Register of Crofts in respect of that thing.”.

*Crofts not to be private residential tenancies*

**20 Tenancies which cannot be private residential tenancies**

10 (1) The Private Housing (Tenancies) (Scotland) Act 2016 is modified as follows.

(2) In schedule 1, after paragraph 4, insert—

“4A(1) A tenancy cannot be a private residential tenancy if the let property includes a croft.

(2) For the purposes of this paragraph, “croft” means—

15 (a) a holding which is a croft within the meaning of section 3 of the Crofters (Scotland) Act 1993,

(b) land or a holding in relation to which the Crofting Commission have made a determination under section 3A(1) of that Act or, as the case may be, section 3A(2) of that Act, to constitute the land or holding as a croft,

20 (c) a holding which is a croft within the meaning of section 3ZA of that Act.”.

**CHAPTER 2**

REGISTRATION

25 *Register of Crofts*

**21 Changes to the content required in the Register of Crofts**

(1) The 1993 Act is modified as follows.

(2) In section 40 (obtaining of information by Commission), in subsection (1A), the words “age and” are repealed.

30 (3) In section 41(2) (Register of Crofts)—

(a) in paragraph (a), after “location” insert “(including the township and parish within which it is situated)”,

(b) in paragraph (b)—

(i) the words “, age and date of birth” are repealed,

35 (ii) after “landlord” insert “or, as the case may be, the owner-occupier crofter,”.

(c) after paragraph (b), insert—

“(ba) the date of birth of the tenant or owner-occupier crofter of each croft,”.

(d) for paragraph (ca), substitute—

“(ca) the address of—

- (i) the landlord and, where the tenant's address is different from the address of the croft, the tenant, or
- (ii) the owner-occupier crofter, where the owner-occupier crofter's address is different from the address of the croft,”.

### *Registration in the Crofting Register*

## **22 First registration of crofts purchased by tenant crofter**

(1) The 2010 Act is modified as follows.

(2) In section 4(1) (first registration), for paragraph (c), substitute—

“(c) in any case other than the case of a new croft—

- (i) 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), or
- (ii) in relation to the acquisition by the crofter of the croft land tenanted by the crofter, on the transfer (whether or not for valuable consideration) of the ownership of the croft to the crofter.”.

(3) In section 6(1) (persons responsible for applications for registration), after paragraph (a), insert—

“(aa) in the case of a transfer of ownership to the crofter of the croft land tenanted by the crofter such as is mentioned in section 4(1)(c)(ii), by the crofter to whom such ownership is transferred,”.

(4) In section 29 (transfer of land containing crofts: offences)—

(a) after subsection (5) insert—

“(5A) A person commits an offence if, ownership of a croft has been transferred to the person as is mentioned in section 4(1)(c)(ii), the person fails within 1 year of the transfer to apply to register the croft.

(5B) A person commits an offence in respect of each further 1 year period where the person continues to fail to apply to register the transfer mentioned in subsection (5A).”,

(b) in subsection (6), for “or (5)” substitute “(5), (5A) or (5B)”.

## **23 Payment of fees for applications for registration**

(1) The 2010 Act is modified as follows.

(2) In section 7 (applications for registration)—

(a) in subsection (1), the words “, and the fee payable in respect of such registration,” are repealed,

(b) in subsection (3), sub-paragraph (ii) and the word “and” immediately after sub-paragraph (i) are repealed,

(c) in subsection (5), paragraph (c) is repealed.

(3) In section 8 (acceptance of applications for registration), in subsection (2), for paragraph (d) substitute—

“(d) arrangements satisfactory to the Keeper for payment of the fee payable in respect of registration have not been made.”.

(4) In section 26 (applications for registration: common grazings)—

(a) in subsection (1), the words “and the fee payable in respect of such registration,” are repealed,

(b) in subsection (4), paragraph (b) and the word “and” immediately after paragraph (a) are repealed,

(c) in subsection (6), for paragraph (c) substitute—

“(c) arrangements satisfactory to the Keeper for payment of the fee payable in respect of registration have not been made,”.

(5) In section 32 (lands held runrig)—

(a) in subsection (6), the words “, and the fee payable in respect of such registration,” are repealed,

(b) in subsection (7), paragraph (b) and the word “and” immediately after paragraph (a) are repealed,

(c) in subsection (9), for paragraph (c) substitute—

“(c) arrangements satisfactory to the Keeper for payment of the fee payable in respect of registration have not been made,”.

## **24 Requirement for certain applications for first registration to be copied to landlord**

(1) The 2010 Act is modified as follows.

(2) In section 7 (applications for registration)—

(a) after subsection (2) insert—

“(2A) Where a tenant intends to submit an application for first registration, the tenant must give a copy of the draft application to the landlord at least 14 days before submitting the application to the Commission.

(2B) A tenant making an application for first registration must, at the same time as submitting the application, provide a statement confirming that subsection (2A) has been complied with.”.

(b) in subsection (5), before paragraph (a) insert—

“(za) the requirement under subsection (2B) has not been complied with,”.

## **25 Notification of first registration**

(1) The 2010 Act is modified as follows.

- (2) In section 7 (applications for registration), after subsection (2B) (inserted by section 24 of this Act), insert—

“(2C) An application for first registration must include—

- (a) the name and address of the persons who are to be notified of registration under section 12(1), or
- (b) in respect of any person to be notified whose name or address is not known to the applicant, an explanation of what steps the applicant has taken to ascertain them.”.

- (3) In section 12 (notification of first registration)—

(a) for subsection (1), substitute—

“(1) The Keeper must, as soon as reasonably practicable after issuing a certificate of registration under section 9(2), notify any persons mentioned in subsection (3) of the matters mentioned in subsection (4).”.

(b) in subsection (2), for “The Commission” substitute “Despite subsection (1), the Keeper”,

(c) in subsection (5), for “the Commission issue” substitute “the Keeper issues”,

(d) in subsection (6), for “the Commission issue” substitute “the Keeper issues”,

(e) in subsection (7), for “Commission” substitute “Keeper”.

- (4) In section 18 (indemnity in respect of loss)—

(a) in subsection (2), after paragraph (a) insert—

“(aa) a failure to notify a person in accordance with section 12(1),”.

(b) after subsection (4) insert—

“(4A) No indemnity is payable in relation to—

(a) a failure such as is mentioned in subsection (2)(aa), or

(b) a mistake such as is mentioned in subsection (2)(e) arising as a consequence of a failure to notify a person under section 12(1),

if the reason for that failure or mistake is attributable to the information provided to the Keeper in respect of such notification being incomplete, incorrect or having changed during the time between the date of receipt of the application and the notification of persons under section 12(1).”.

## **26 Rectification of the Crofting Register**

- (1) The 2010 Act is modified as follows.

- (2) In section 16 (rectification of the register)—

(a) for subsection (1) substitute—

“(1) The Keeper—

- (a) may, at any time, amend the register to correct any typographical, clerical or other administrative error,



(b) may rectify the register in accordance with—

- (i) subsections (2) to (4), or
- (ii) section 16B,

(c) must rectify the register on being—

- (i) ordered to do so by any court,
- (ii) directed to do so by the Commission under section 16A.”,

(b) in subsection (5), for “(1)(b)” substitute “(1)(c)(i)”,

(c) in subsection (6), for “this section” substitute “subsection (1)(b) or (c)”,

(d) after subsection (6), insert—

“(6A) The Scottish Ministers may by regulations modify this section so as to specify further persons, or descriptions of persons, who are entitled to make an application to rectify the register under this section.”.

(3) After section 16, insert—

**“16A Rectification: direction by the Commission**

(1) Where the Commission becomes aware of a material inaccuracy in the register and the conditions mentioned in subsection (2) are met, the Commission may—

- (a) direct the Keeper to rectify the register if what is needed to do so is manifest, and
- (b) give the Keeper any further direction it considers necessary in connection with the rectification.

(2) The conditions are that the Commission has—

- (a) given notice of their intention to issue a direction to any person appearing to them to be affected by the direction at least 28 days in advance of the issuing of a direction, and
- (b) had regard to any representations received within that 28 day period.

(3) A notice under subsection (2)(a) must indicate that the person may, before the expiry of the period of 28 days beginning with the day on which notice is given to the person, make representations to the Commission.

(4) In this section “material inaccuracy” means an inaccuracy relating to any matter mentioned in section 11(2)(a) or (b).

**16B Rectification at instance of the Keeper**

(1) Subsection (2) applies where—

- (a) the Keeper becomes aware of a material inaccuracy in the register which has not arisen as a consequence of a mistake by the Keeper when making up or amending a registration schedule or making consequential amendments to the register, and
- (b) the Keeper became aware of the inaccuracy otherwise than as a result of—
  - (i) an application being made under section 16(2) or (3),

- (ii) being ordered to rectify the register by a court, or
- (iii) being directed to rectify the register by the Commission under section 16A.

(2) The Keeper may rectify the register if what is needed to do so is manifest.

(3) In this section “material inaccuracy” means an inaccuracy relating to any matter mentioned in section 11(2) other than a typographical, clerical or other administrative error capable of being corrected under section 16(1)(a).”.

(4) In section 17 (rectification following first registration)—

(a) in subsection (1)(a), for “16(1)(a)” substitute “16(1)(b) or (c)(ii)”,

(b) in subsection (5), in the definition of “material inaccuracy” for “has the meaning given by section 7(8)” substitute “means an inaccuracy relating to any matter mentioned in section 11(2) other than a typographical, clerical or other administrative error capable of being corrected under section 16(1)(a)”.

(5) In section 18 (indemnity in respect of loss)—

(a) in subsection (2), after paragraph (c), insert—

“(ca) a mistake in the register made by the Keeper when rectifying the register in accordance with section 16B, the correction of which would require rectification of the register;”,

(b) after subsection (7), insert—

“(7A) A person who suffers loss as a result of a mistake in the register made by the Commission in a direction given under section 16A, the correction of which would require rectification of the register, is to be indemnified by the Commission in respect of that loss.”.

(6) The section heading for section 20 becomes “Appeals: decisions of the Keeper”.

(7) After section 20 (appeals), insert—

**“20A Appeals: direction by Commission to rectify the register**

(1) A relevant person may appeal to the Land Court against a decision of the Commission to give a direction under section 16A(1).

(2) An appeal under subsection (1) must be made before the expiry of the period of 42 days beginning with the day on which the Keeper gives notice of the rectification under section 16(6).

(3) An appeal under subsection (1) may be made only on one or more of the following grounds—

(a) that the Commission erred in law,

(b) that the Commission made a finding as to a fact material to the decision but did not have sufficient evidence on which to base that finding,

(c) that the Commission acted contrary to natural justice,

(d) that the Commission took into account certain irrelevant or immaterial considerations,

- (e) that the Commission failed to take into account certain relevant or material considerations,
  - (f) that the Commission exercised their discretion in an unreasonable manner.
- (4) In an appeal under this section, the Land Court may—

- (a) confirm or revoke the direction,
- (b) direct the Commission to make a different direction, or
- (c) remit the case to the Commission without so directing them.

- (5) The Commission, and the Keeper, must give effect to the decision of the Land Court on an appeal under this section.

- (6) In this section, a “relevant person” means a person who is affected by the direction.”

- (8) In section 53 (subordinate legislation)—

- (a) in subsection (3), before “(4)” insert “(3A),”,
- (b) after subsection (3), insert—

“(3A) No regulations under section 16(6A) may be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Scottish Parliament.”.

## **27 Form of applications for registration**

- (1) The 2010 Act is modified in accordance with subsections (2) to (3).

- (2) After section 19, insert—

### **“19A Form of applications for registration etc.**

- (1) The Keeper is to—

- (a) specify the form of applications which are to be used for (or in connection with) registration,
- (b) publish the forms specified—
  - (i) on the website maintained by, or on behalf of, the Keeper, or
  - (ii) in such other similar manner as the Keeper considers appropriate.

- (2) Before specifying (or making a change to) a form, the Keeper must—

- (a) consult the Crofting Commission, and
- (b) publicise the proposed form (or change) in such manner as the Keeper considers appropriate.

- (3) If a form of application is prescribed under section 19(1)(c)—

- (a) the Keeper is to specify that form, and
- (b) subsection (2) of this section does not apply.”.

- (3) The cross heading preceding section 19 becomes, “*Rules, fees and forms*”.

- (4) In the Crofting Register (Scotland) Rules 2012 (S.S.I. 2012/294) rules 2(2), 6, 7 and 8 and the Schedule are revoked.

### CHAPTER 3

#### MISCELLANEOUS

#### *Service of notices and public notification*

#### **28 Service of notices**

- (1) The 1993 Act is modified as follows.
- (2) For section 55 (service of notices) substitute—

#### **“55 Service of notices**

- (1) Any notice or other document required or authorised by or under this Act to be given to or served on a person may be given or served—

- (a) by being delivered personally to the person,
- (b) by being sent to the proper address of the person—
  - (i) by a registered post service (as defined in section 125(1) of the Postal Services Act 2000), or
  - (ii) by a postal service which provides for the delivery of the document to be recorded,
- (c) by being transmitted to the person electronically.

- (2) But where any notice or other document required or authorised by or under this Act to be given to or served on a person as being the person having any interest in land and it is not practicable after reasonable inquiry to ascertain their name or address, it may be given or served—

- (a) by addressing the notice to “The person with an interest in the land” (describing the land), and
- (b) either—
  - (i) delivering the notice personally to some responsible person on the land, or
  - (ii) affixing it (or a copy of it) to some conspicuous object on the land.

- (3) For the purposes of subsection (1)(b), the proper address of a person is—

- (a) in the case of a body corporate, the address of the registered or principal office of the body,
- (b) in the case of a partnership, the address of the principal office of the partnership,
- (c) in any other case, the last known address of the person.

- (4) For the purposes of subsection (1)(c)—

- (a) electronic transmission of a document must be effected in a way that the recipient has indicated to the sender that the recipient is willing to receive the document,

(b) the recipient's indication of willingness to receive a document in a particular way may be—

(i) specific to the document in question or generally applicable to documents of that kind,

5 (ii) expressed specifically to the sender or generally (for example on a website),

(iii) inferred from the recipient having previously been willing to receive documents from the sender in that way and not having indicated unwillingness to do so again,

10 (c) the sender's uploading of a document to an electronic storage system from which the recipient is able to download the document may constitute electronic transmission of the document.

15 (5) Where a document is served as mentioned in subsection (1)(b) on an address in the United Kingdom it is to be taken to have been received 48 hours after it is sent unless the contrary is shown.

(6) Where a document is served as mentioned in subsection (1)(c) it is to be taken to have been received 48 hours after it is sent unless the contrary is shown.”.

## **29 Public notification**

(1) The 1993 Act is modified by subsections (2) to (4).

20 (2) In section 25 (provisions supplementary to s.24(3)), for subsection (6) substitute—

“(6) The Commission must—

25 (a) give public notification of all applications under section 24(3) or subsection (4) (except an application made in respect of a part of a croft consisting only of the site of the dwelling-house on or pertaining to the croft or only of land the conveyance in feu of which was granted under section 17 or 18 of the 1955 Act), and

(b) before disposing of such an application, if requested by the applicant, afford a hearing to the applicant and to such other person as they think fit.”

30 (3) For section 55A (public notification) substitute—

### **“55A Public notification**

(1) The Scottish Ministers may by regulations make provision about the giving of public notification under—

(a) this Act, and

35 (b) the 2010 Act.

(2) Regulations under subsection (1) may, in particular, make provision about—

(a) the ways in which notice must, may or may not be effected,

(b) the form and content of any notice,

(c) the length of time for which a notice is required to be publicly available,

- (d) what payments (if any) the Commission is entitled to charge for publishing a notice (for example on a website).
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult the Commission.
- (4) Regulations under subsection (1) may—
  - (a) make different provision for different purposes,
  - (b) include incidental, supplementary, consequential, transitional, transitory or saving provision.

#### **55B Form of public notices**

- (1) The Commission is to—
  - (a) specify the form and content of any notice which is to be used for the purpose of giving public notification under this Act or the 2010 Act (“form of notice”), which may include a requirement to specify—
    - (i) the purpose of an application to which a notice relates (or in the case of regulations the matters which are required to be set out in it by virtue of section 50B(4)),
    - (ii) a description of the croft land or, as the case may be, common grazing to which the application relates (or regulations relate), and
    - (iii) in the case of an application, the period during which, and manner in which, objections may be made, and
  - (b) publish, in such manner as the Commission considers appropriate, any form of notice it specifies is to be used.
- (2) If a form of notice is prescribed under section 55A(1), the Commission is to specify and publish that form of notice.
- (3) Where, in accordance with the provisions of this Act, a person giving public notification is also required to serve notice on a landlord, tenant or occupier of croft land to which the application relates or, if applicable, on the owner of, or a crofter sharing in, the common grazing, such notice must be in the form required by this section.”.
- (4) In section 61(1) (interpretation), in the definition of “public notification” for “has the meaning given by” substitute “is to be construed in accordance with regulations made under”.
- (5) The 2010 Act is modified by subsection (6).
- (6) In section 12 (notification of first registration)
  - (a) in subsection (8)—
    - (i) in the opening words, for “public notice of the registration of the croft by—” substitute “public notification of the registration of the croft.”,
    - (ii) paragraph (a) and (b) are repealed,
  - (b) subsections (9) and (10) are repealed.

**30 Crofting census notices**

- (1) The 1993 Act is modified as follows.
- (2) In section 40A (annual notices)—
  - (a) in subsection (5), for “as soon as reasonably practicable after the end of each successive 1 year period” substitute “at least once in every subsequent period of 3 years”,
  - (b) subsection (7) is repealed,
  - (c) the section heading becomes “Crofting census notices”.

*The Crofting Commission*

**31 Appointment of Chair**

- (1) Schedule 1 (the Crofting Commission) of the 1993 Act is modified as follows.
- (2) In paragraph 3—
  - (a) in sub-paragraph (1), for “sub-paragraph (2)” substitute “sub-paragraphs (2) and (5A)”,
  - (b) in sub-paragraph (2), after “under” insert “sub-paragraph (5A).”,
  - (c) for sub-paragraph (3) substitute—
    - “(3) The Scottish Ministers must appoint a person to chair the Commission (the “chair”).
    - (3A) The person appointed under sub-paragraph (3) may be—
      - (a) a person who is already—
        - (i) an appointed member of the Commission (in which case the person remains an appointed member on appointment as the chair), or
        - (ii) an elected member of the Commission (in which case the person remains an elected member on appointment as the chair), or
      - (b) a person who is not already a member of the Commission (in which case the person becomes an appointed member on appointment as the chair).”,
    - (d) in sub-paragraph (4), for “select a member” substitute “appoint a person”,
    - (e) after sub-paragraph (4), insert—
      - “(4A) But where the duty to appoint a person to chair the Commission is delegated under sub-paragraph (4), the Commission may only appoint a person who is already—
        - (a) an appointed member of the Commission (in which case the person remains an appointed member on appointment as the chair), or
        - (b) an elected member of the Commission (in which case the person remains an elected member on appointment as the chair).”,
      - (f) after sub-paragraph (5), insert—

“(5A) Despite sub-paragraph (1), where the Commission consists of the maximum number of members specified in that sub-paragraph and the chair—

(a) resigns office but does not otherwise cease to be a member of the Commission, and

(b) is not replaced as the chair by a person who is already a member of the Commission,

the Scottish Ministers may appoint a person who is not already a member of the Commission (in which case the person also becomes an appointed member).

(5B) Where a person is appointed as the chair of the Commission who was not already a member of the Commission at the time of their appointment as the chair, the person’s membership of the Commission ends when the person ceases to be the chair.”.

### **32 Appointed members: special considerations**

(1) Schedule 1 (the Crofting Commission) of the 1993 Act is modified as follows.

(2) In paragraph 4—

(a) in sub-paragraph (1)—

(i) in paragraph (a)—

(A) after sub-paragraph (i) insert “and”,

(B) sub-paragraph (iii) is repealed,

(ii) after paragraph (a), insert—

“(aa) where sub-paragraph (3) applies, have regard to the desirability of at least one person appointed representing the interests of landlords of crofts, and”,

(b) after sub-paragraph (1), insert—

“(1A) Where sub-paragraph (3) applies, the Scottish Ministers must consult the Commission before making an appointment.”,

(c) in sub-paragraph (5), paragraph (c) is repealed.

### **33 Chairing of Commission meetings and committees**

(1) Schedule 1 (the Crofting Commission) of the 1993 Act is modified as follows.

(2) In paragraph 12, after sub-paragraph (2) insert—

“(2A) The Commission must appoint a chair for each of their committees.”,

(3) In paragraph 13—

(a) for sub-paragraphs (2) and (3) substitute—

“(2) The chair of the Commission may delegate the chairing of a meeting of the Commission (or a part of such a meeting) to another member.

(3) The chair of a committee may delegate the chairing of a meeting of the committee (or a part of such meeting) to another member of the committee.”.



- (b) in sub-paragraph (4), after “vote” insert “(but a person chairing only part of a meeting does not have a casting vote in respect of that part)”.

### *Interpretation of Part 1*

## **34 Interpretation of Part 1**

In this Part—

“the 1993 Act” means the Crofters (Scotland) Act 1993,

“the 2010 Act” means the Crofting Reform (Scotland) Act 2010.

## **PART 2**

### **MERGER OF THE SCOTTISH LAND COURT AND THE LANDS TRIBUNAL FOR SCOTLAND**

#### *The Scottish Land Court*

## **35 The Scottish Land Court**

- (1) The Scottish Land Court (referred to in this Part as “the Court”) established by section 3 of the Small Landholders (Scotland) Act 1911 is to continue in being.
- (2) Schedule 1 makes provision about the Court, including its constitution, jurisdiction and powers.

### *Merger of the Scottish Land Court and the Lands Tribunal for Scotland*

## **36 Merger of the Scottish Land Court and the Lands Tribunal for Scotland**

- (1) On the appointed day (or days) the following are to transfer to the Court—
  - (a) the jurisdiction and functions of the Lands Tribunal for Scotland (referred to in this Part as “the Tribunal”) (and paragraph 15(1)(b) of schedule 1 is to be read accordingly),
  - (b) any proceedings or other matter which is in the process of being heard or determined by the Tribunal immediately before the appointed day (including any matter on appeal or under review which may have been, but for the transfer, remitted to the Tribunal),
  - (c) the staff of the Tribunal, and
  - (d) all property, rights, liabilities and obligations of the Tribunal.
- (2) From the appointed day, a member of the Tribunal may hear and determine proceedings and other matters in the Court in the same manner as a member of the Court.
- (3) For the purposes of this Part, an “appointed day” is such day as the Scottish Ministers may specify in regulations made under section 43.

## **37 Savings etc.**

- (1) The transfer of jurisdiction from the Tribunal to the Court does not affect—
  - (a) the principles on which any question is to be determined,
  - (b) the persons on whom the determination is binding,

- (c) any provision which requires particular matters to be expressly dealt with or embodied in the determination, or which relates to evidence.
- (2) The transfer of proceedings before the Tribunal to the Court does not affect the validity or effect of anything done in, for or by the Tribunal in respect of the exercise of its jurisdiction or functions.

### 38 Power to make further provision in connection with the merger etc.

- (1) The Scottish Ministers may by regulations make further provision for or in connection with the transfer of the things mentioned in section 36(1).
- (2) Regulations under this section may modify any enactment (including this Act).
- (3) Regulations under this section—
- (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act, but
  - (b) otherwise, are subject to the negative procedure.

### 39 Transitory provision: eligibility of suitable members of Lands Tribunal for Scotland to sit in Upper Tribunal

- (1) In the Lands Tribunal Act 1949, in section 2 (members, officers and expenses of the Lands Tribunal for Scotland), after subsection (2A) insert—
- “(2B) The President may determine that a member of the Lands Tribunal for Scotland appointed in pursuance of subsection (2A)(a) is suitably qualified to be eligible to act as a member of the Upper Tribunal for Scotland.”.
- (2) In the Tribunals (Scotland) Act 2014, in section 17 (sheriffs and judges), in subsection (4), after “Court” where it second occurs, insert “or a member of the Lands Tribunal for Scotland”.

## PART 3

### GENERAL

### 40 Minor and consequential provision

Schedule 2 contains minor and consequential amendments.

### 41 Regulations

- (1) A power to make regulations conferred by this Act includes the power to make—
- (a) a different provision for different purposes or areas, and
  - (b) incidental, supplemental, consequential, transitional, transitory or saving provision.
- (2) This section does not apply to section 43.

### 42 Ancillary provision

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for

the purposes of, or in connection with, or for giving full effect to this Act or any provision made under it.

(2) Regulations under this section may—

(a) modify any enactment (including this Act), and

(b) make different provision for different purposes.

(3) Regulations under this section—

(a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act, but

(b) otherwise, are subject to the negative procedure.

#### **43 Commencement**

(1) This section and sections 41, 42 and 44 come into force the day after Royal Assent.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

(3) Regulations under this section may—

(a) make different provision for different purposes or areas,

(b) include transitional, transitory or saving provision.

#### **44 Short title**

The short title of this Act is the [Crofting and Scottish Land Court Act 2026].

SCHEDULE 1  
*(introduced by section 35(2))*

THE SCOTTISH LAND COURT

**PART 1**

5 ADMINISTRATION AND ORGANISATION

*Incorporation*

- 1 (1) The Court is a body corporate with a common seal which is to be judicially noticed.
- (2) Any order or other instrument purporting to be sealed by the common seal is to be received as evidence without further proof.

10 *Appointment of members and Chair of the Court*

- 2 (1) The Court is to consist of such persons as His Majesty, on the recommendation of the First Minister, may appoint as members.
- (2) One of the persons appointed by His Majesty is to be appointed as the Chair of the Court.
- 15 (3) Before recommending the appointment of a person as the Chair, the First Minister must consult the Lord President of the Court of Session.
- (4) A person appointed as the Chair has the same rank and tenure of office as a judge of the Court of Session.
- (5) The Chair is to be a person who, at the date of appointment—
- 20 (a) is a sheriff principal or sheriff who has held office as such for a continuous period of not less than 10 years,
- (b) is a member of the Faculty of Advocates of not less than 10 years' standing,
- (c) is a solicitor who, by virtue of section 25A (rights of audience) of the Solicitors (Scotland) Act 1980, has for a continuous period of not less than 10 years had a right of audience in the Court of Session, or
- 25 (d) has, for a continuous period of not less than 10 years (discounting any period of relevant training) held a combination of the offices, membership and rights described in paragraphs (a) to (c).
- (6) Sub-paragraph (5)(a) does not confer eligibility for appointment as Chair on a temporary sheriff principal or on a part-time sheriff who is not otherwise eligible for appointment.
- 30 (7) The membership of the court is to include a person who is able to speak the Gaelic language.
- (8) The Scottish Ministers may by regulations make provision about the eligibility for appointment of members of the Court (other than the Chair).
- 35 (9) Regulations under sub-paragraph (8) are subject to the negative procedure.

*Designation and functions of Deputy Chair*

- 3 (1) The Scottish Ministers may designate as a Deputy Chair any member who is eligible to hold the office of Chair.

(2) A Deputy Chair—

(a) is to act in place of the Chair for such periods as the Chair may, with the consent of the Scottish Ministers, direct, and

(b) may, when not acting in accordance with a direction under paragraph (a) or under sub-paragraph (3), act in place of a member of the Court other than the Chair.

(3) Where there is a vacancy in the office of Chair, or where the Chair is, for whatever reason, unable to act, the Deputy Chair is to act as Chair at the direction of the Scottish Ministers.

(4) A Deputy Chair designated under sub-paragraph (1) is, while acting as Chair, to have the same powers and perform the same duties as the Chair.

*Principal clerk*

4 The SCTS must appoint a suitable person to act as principal clerk to the Court.

*Tenure of office and remuneration*

5 (1) The SCTS is to pay the Chair of the Court such salary and such allowances as the Treasury may determine.

(2) The SCTS is to pay each of the other members of the Court such salary and such allowances as the Scottish Ministers may determine.

(3) Sums required by the SCTS for the payment of a salary or an allowance under this paragraph are charged on the Scottish Consolidated Fund.

6 (1) The SCTS may pay to a member of the Court such sums as it may determine in respect of expenses reasonably incurred by the member in the performance of, or in connection with, the member's duties.

(2) The SCTS may—

(a) determine the circumstances in which such sums may be paid, and

(b) determine different circumstances for different members.

7 (1) The SCTS is to pay such remuneration as appears to the Scottish Ministers to be reasonable in all the circumstances to—

(a) the Deputy Chair in respect of the additional functions of being Deputy Chair,

(b) persons nominated under paragraph 13.

(2) The SCTS may pay to the Deputy Chair such allowances as it may determine.

(3) The SCTS may pay to each of the following persons such sums as it may determine in respect of expenses reasonably incurred by the person in the performance of, or in connection with, the person's duties—

(a) the Deputy Chair,

(b) persons nominated under paragraph 13.

(4) The SCTS may—

(a) determine the circumstances in which such sums may be paid, and

(b) determine different circumstances for different persons.

- 8        Expenditure incurred by the Court in the performance of its functions may be paid by the SCTS.

*Quorum and delegation*

- 9        Subject to paragraph 10, a quorum of the Court is to be—

- 5            (a) the Chair and one other member, or  
               (b) three of its members, if none of them is the Chair.

- 10 (1)    The Court may delegate such of its powers as it may think expedient to any member or to any 2 members, with or without the assistance of one or more land valuers, assessors or other skilled persons, and may revoke, alter or modify any such delegation of powers.

- (2) Any order or determination arrived at under a delegation made in pursuance of this paragraph, other than a delegation to one member where that member is the Chair, is on appeal, subject to review by the Chair sitting with 2 or more members, or nominated former members, of the Court sitting together.

- 11        On any question being determined by the Court, whether or not by virtue of paragraph 10, the Chair is to have a casting vote.

- 12        The reference in paragraph 10(2) to nominated former members is to such members as have vacated office, whether under section 26 of the Judicial Pensions and Retirement Act 1993 or otherwise, and in relation to the particular review have been nominated under this paragraph by the principal clerk.

*Eligibility to act as members of the Upper Tribunal for Scotland*

- 13        The Chair may determine that a member of the Court is suitably qualified to be eligible to act as a member of the Upper Tribunal for Scotland.

*Fitness for office and removal of members of the Court*

- 14 (1)    Sections 21 to 25 of the Courts Reform (Scotland) Act 2014 (which provide for the convening of a Tribunal to consider fitness for office, suspension and removal of judicial office holders) apply to a member of the Court, other than the Chair, as they apply to the holder of a judicial office listed in section 21(3)(a) to (c) of that Act.

- (2) For the purpose of the application of section 24(4)(b) of the Courts Reform (Scotland) Act 2014, “the relevant judicial office” for an investigation into whether an individual is fit to hold the office of member of the Court, is that office.

## PART 2

### JURISDICTION OF THE COURT

*General*

- 15 (1)    The competence and jurisdiction of the Court comprises—

- (a) the matters and appeals described or referred to in this Part, and

- (b) any other matter or repeal conferred upon it by an enactment (whenever passed or made).
- (2) The Scottish Ministers may by regulations modify this Part of the schedule to adjust what is (or is not) within the competence and jurisdiction of the Court.
- 5 (3) Regulations under this paragraph—
  - (a) may (without limit to section 41 or 42) modify any enactment in consequence of a change made to the competence and jurisdiction of the Court,
  - (b) are subject to the affirmative procedure.

*Access rights*

- 10 16 All matters, whether of fact or law, arising under the following sections of the Land Reform (Scotland) Act 2003—
- (a) section 14 (prohibition signs, obstructions, dangerous impediments etc.),
  - (b) section 28 (judicial determination of existence and extent of access rights and rights of way).

15 *Agriculture and agricultural holdings*

- 17 The jurisdiction set out in section 60 of the Agricultural Holdings (Scotland) Act 1991.

*Arbitration and compensation*

- 18 (1) Any question which is by any Act (including a local or private Act) directed, in whatever terms, to be determined by a person or one or more persons selected from either of the  
20 following panels—
- (a) the panel of official arbitrators appointed under the Acquisition of Land (Assessment of Compensation) Act 1919, and
  - (b) the panel of referees appointed under Part I of the Finance (1909-10) Act 1910, or which is so directed to be determined in the absence of agreement to the contrary.
- 25 (2) Any other question of disputed compensation under the Lands Clauses Acts, where the claim is for the injurious affection of any land.
- (3) Any question arising as to the apportionment mentioned in section 116 of the Lands Clauses Consolidation Act 1845 or section 109 of the Lands Clauses Consolidation (Scotland) Act 1845, of any rent charge or other matter to which that section applies.
- 30 (4) Any question on which, but for this provision, an appeal or reference to the county court would or might be made by virtue of section 62 or 87 of the Local Government Act 1948.
- 19 The Court may exercise any other jurisdiction conferred by any Act (including a local or private Act), or instrument made under any such Act, on a person or one or more  
35 persons selected as mentioned in paragraph 19(1)(a).
- 20 The Court may act as arbitrator under a reference by consent, and any agreement entered into before the commencement of the 1949 Act which provides for referring any matter to arbitration by a person or one or more persons is to, subject to any subsequent

agreement, have effect as if it provided for referring the matter to arbitration by the Court.

*Community rights to buy: appeals*

21 Appeals made under the following sections of the Land Reform (Scotland) Act 2003—

- (a) section 60A(4) (liability of owner of land for valuation expenses),
- (b) section 61 (community right to buy: appeals),
- (c) section 91 (crofting right to buy: appeals),
- (d) section 97V (community right to buy abandoned, neglected or detrimental land: appeals).

22 Appeals made under section 69 (right to buy land for further sustainable development: appeals) of the Land Reform (Scotland) Act 2016.

*Crofting and crofting community right to buy*

23 (1) All matters, whether of law or fact, which arise under the Crofters (Scotland) Act 1993 or the Small Landholders (Scotland) Acts 1886 to 1931.

(2) Except to the extent otherwise provided in Part 3 of the Land Reform (Scotland) Act 2003 (crofting community right to buy), all matters, whether of fact or law, and appeals, which arise under that Part.

*March Dykes, runrig and commonities*

24 All matters, whether of fact or law, which arise under—

- (a) the March Dykes Act 1661,
- (b) the March Dykes Act 1669,
- (c) Runrig Lands Act 1695,
- (d) Division of Commonities Act 1695,

and that notwithstanding any provision in those Acts to the contrary.

*Succession to certain leases*

25 Applications under section 16 (provisions relating to leases) of the Succession (Scotland) Act 1964.

## PART 3

### RULES, PROCEDURE, EXPENSES AND POWERS

*Rules of court*

26 (1) The Court of Session may by act of sederunt make provision for or about—

- (a) the procedure and practice to be followed in proceedings in the Court,
- (b) any matter incidental or ancillary to such proceedings.



(2) An act of sederunt under sub-paragraph (1) may make—

- (a) incidental, supplemental, consequential, transitional, transitory or saving provision,
- (b) provision amending, repealing or revoking any enactment (including any provision of this Act) relating to matters with respect to which an act of sederunt under sub-paragraph (1) may be made,
- (c) different provision for different purposes.

(3) Before making an act of sederunt under sub-paragraph (1) with respect to any matter, the Court of Session must—

- (a) consult the Scottish Civil Justice Council, and
- (b) take into consideration any views expressed by the Council with respect to that matter.

(4) Sub-paragraph (3) does not apply in relation to an act of sederunt that embodies, with or without modifications, draft rules submitted by the Scottish Civil Justice Council to the Court of Session.

(5) This section is without prejudice to—

- (a) any enactment that enables the Court of Session to make rules (by act of sederunt or otherwise) regulating the practice and procedure to be followed in proceedings to which this section applies, or
- (b) the inherent powers of the Court.

#### *Procedure*

The Chair may—

- (a) select a member or members to deal with a particular case, type of case (whether by subject matter or otherwise) or group of cases, or
- (b) allocate members to a pool from which a member or members to deal with a particular case is to be selected (for example by reference to the subject matter of types of case), either by the Chair or a member designated by the Chair for that purpose.

Where a person is or may be liable for any compensation falling to be determined under section 57 or 97 of the Land Clauses Consolidation (Scotland) Act 1845 (which sections relate to the procedure in default of a claimant), the surveyor referred to in those sections is to be selected from members of the Court in accordance with the provisions of this schedule.

#### *Powers*

The Court may—

- (a) ascertain the facts in any case by—
  - (i) by hearing parties and examining witnesses,
  - (ii) by means of affidavits, or
  - (iii) by such other mode of inquiry as it deems appropriate, and
- (b) determine cases without an oral hearing.

- (2) The Court may require the production of any document or information relating to a case and it may summon and examine on oath such witnesses as it thinks fit to call or allow to appear before it.
- (3) The Court may, when sitting in open court, report in writing to the Lord Ordinary any person who has been guilty of contempt of court.
- (4) Where a report has been made to a Lord Ordinary under sub-paragraph (3), the Lord Ordinary may punish such person as if the contempt had been committed in the Lord Ordinary's court.
- (5) The Chair, when sitting in open court, has the same power as a Lord Ordinary to punish for contempt of court.
- (6) Despite sub-paragraph (1)(b), the Court may not determine without an oral hearing a disputed claim for compensation which—
  - (a) is payable in respect of a compulsory acquisition of land, or
  - (b) depends directly or indirectly on the value of any land,
 without the consent of the person making the claim.

*Finality of decisions and special cases*

- (1) Subject to sub-paragraph (2), the decision of the Court in respect of a matter described in paragraph 24 is final.
- (2) Except as provided in sub-paragraph (3), the Court may, if it thinks fit, and must, on the request of a party, state a special case on any question of law arising in any proceedings before in under any enactment for the opinion of the Inner House of the Court of Session, which may finally determine that question.
- (3) Sub-paragraph (2) does not apply in respect of proceedings in connection with any matter which may be determined by the Court by virtue of—
  - (a) the Agricultural Holdings (Scotland) Act 1991,
  - (b) the Agricultural Holdings (Scotland) Act 2003, or
  - (c) section 116 of the Land Reform (Scotland) Act 2016.
- (4) Paragraph 10(2) of this schedule does not apply in relation to any order made, or determination arrived at, in pursuance of a matter (other than an appeal) which arises under Part 3 of the Land Reform (Scotland) Act 2003.

*Expenses*

- (1) The Court may determine the amount of the expenses in any proceedings before it and the proportion to be borne by the different parties.

*Enforcement*

- (1) An order or determination of the Court may be enforced as it if were a decree of the sheriff having jurisdiction in the area in which the order or determination is to be enforced.

*Accounts*

- 33        The Court is to submit such estimates and keep such accounts of its receipts and expenditure, and its accounts are to be audited in accordance with such regulations, as the Treasury may direct.

**PART 4**

INTERPRETATION

*Interpretation*

- 34        In this schedule—

“Chair” means the Chair of the Court appointed under paragraph 2(2),

“Court” means the Scottish Land Court,

“the SCTS” means the Scottish Courts and Tribunal Service,

“solicitor” means a person enrolled as a solicitor in the roll of solicitors kept under section 7 of the Solicitors (Scotland) Act 1980,

“Upper Tribunal for Scotland” means the Upper Tribunal for Scotland, established by section 1 of the Tribunals (Scotland) Act 2014.

**SCHEDULE 2**

*introduced by section 40*

MINOR AND CONSEQUENTIAL AMENDMENTS

**PART 1**

CROFTING REFORM

*Crofters (Scotland) Act 1993*

- 1    (1)    The 1993 Act is modified as follows.
- (2)    In section 2 (particular powers and duties of the Commission), subsection (3) is repealed.
- (3)    In section 2C (duty to produce plan), in subsection (2), in the opening words for “6” substitute “12”.
- (4)    In section 3A(8) (new crofts), in paragraph (b), leave out “the crofting community in the locality of the land” and insert “any crofting community which, in the opinion of the Commission, may be affected by, or have an interest in, the application”.
- (5)    In section 5A (complaint as respects breach of the statutory conditions), in subsection (1), for “in the locality of the croft” substitute “of the township within which the croft is situated”.
- (6)    In section 5C(6) (crofters: duty to cultivate and maintain), in paragraph (a), for “in the locality of the land” substitute “of the township within which the land is situated (other than the applicant)”.
- (7)    In section 10 (bequest of croft)—
- (a)    in subsection (1)(b)(ii), for “all the bequests” substitute “the bequest”,

(b) in subsection (4C), after “bequest” insert “of the tenancy of a croft as mentioned in subsection (1)(b)”.

(8) In section 17 (provision supplementary to sections 13 and 15), in subsection (6), for “wife or husband” substitute “spouse or civil partner”.

5 (9) In section 19A (schemes for development)—

(a) in subsection (2)(d)—

(i) in paragraph (i), for “that community” substitute “the crofting community in the area affected by the development”,

(ii) in paragraph (ii), for “community” substitute “crofting community”,

10 (b) in subsection (3)(b), for “community” where it second occurs substitute “crofting community”,

(c) in subsection (11)—

(i) paragraph (c) is repealed,

(ii) in paragraph (d), for “to (c)” substitute “and (b)”.

15 (10) In section 20 (resumption of croft or part of croft by landlord),

(a) in subsection (1), for “in the locality of the croft” substitute “of the township within which the croft is situated”,

(b) in subsection (1AA)(b), for “in the locality of the croft” substitute “of the township within which the croft is situated”,

20 (c) in subsection (1AC)(a)—

(i) in sub-paragraph (i), for the words from “locality” to the end of the sub-paragraph substitute “parish within which the croft is situated”,

(ii) in sub-paragraph (ii), for the words from “community” to the end of the sub-paragraph substitute “communities in that parish”,

25 (iii) in sub-paragraph (iii), for “locality or such an area,” substitute “parish”,

(iv) in sub-paragraph (iv), for “locality or such an area,” substitute “parish”.

(11) In section 25 (provisions supplementary to s.24(3))—

(a) in subsection (1)(a), for “in the locality of the croft” substitute “of the township within which the croft is situated”,

30 (b) in subsection (1A)(b), “in the locality of the croft” substitute “of the township within which the croft is situated”

(c) in subsection (1B)(a)—

(i) in subsection paragraph (i), for the words from “locality” to the end of the sub-paragraph substitute “parish within which the croft is situated”,

35 (ii) in sub-paragraph (ii), for the words from “community” to the end of the sub-paragraph substitute “communities in that parish”,

(iii) in sub-paragraph (iii), for “locality or such an area,” substitute “parish”,

(iv) in sub-paragraph (iv), for “locality or such an area,” substitute “parish”.

(d) in subsection (8)—

(i) in paragraph (a)(i), for “in the locality of the land” substitute “of the township within which the land is situated”,

(ii) in paragraph (b), for “in the locality of the land,” substitute “of the township within which the land is situated.”.

(12) In section 26G (division of croft before taking action), in subsection (2)(c), for “in the locality of the croft or owner-occupied croft” substitute “of the township within which the croft or owner-occupied croft is situated”.

(13) In section 26H (crofters: tenancy termination procedure), in subsection (1), for “in the locality of the croft” substitute “of the township within which the croft is situated”.

(14) In section 27 (provisions as to right to sublet) is modified as follows.

(a) in subsection (1), the words “, for a period not exceeding 10 years,” are repealed.

(b) after subsection (2), insert—

“(2A) A sublease of a croft must not be for a period exceeding 10 years.”.

(15) In section 29 (miscellaneous provisions regarding subleases of crofts)—

(a) in subsection (2)—

(i) the “or” immediately following paragraph (b) is repealed,

(ii) paragraph (c) is repealed,

(iii) paragraph (d) is repealed,

(b) in subsection (4), for “sections 27 and 28” substitute “section 27”.

(16) In section 30 (compensation to crofter for improvements), in subsection (6B)(b), for “approve under section 50B(11) of this Act” substitute “grant the approval applied for under section 50B(6) for”.

(17) In section 36 (compensation to cottar for improvements)—

(a) in subsection (1)(b), for “wife or husband” in both places it appears substitute “spouse or civil partner”,

(b) in subsection (5), for “wife or husband” in both places it appears substitute “spouse or civil partner”.

(18) In section 41 (Register of Crofts)—

(a) in subsection (2), in paragraph (cc)—

(i) in the opening words, after “tenant” insert “or, as the case may be, the owner-occupier crofter”

(ii) for sub-paragraph (iii), substitute—

“(iii) any use of the grazing—

(A) as woodlands by virtue of section 50ZA(7), or of woodlands as part of the grazing by virtue of section 50A,

(B) for an environmental purpose by virtue of section 50ZA(7), or an environmental purpose for as part of the grazing by virtue of section 50AA,”.

- (iii) in sub-paragraph (iv), for “use as woodlands” substitute “a use mentioned in sub-paragraph (iii)”,
- (b) in subsection (2), in the closing words, for “landlord and the tenant” substitute “tenant and the landlord or, as the case may be, the owner-occupier crofter”.
- 5 (19) In section 48 (powers and duties of grazings committees)—
- (a) in subsection (1)(a), for “approved under section 50B(11) of this Act” substitute “which has obtained the approval applied for under section 50B(6)”,
- (b) in subsection (4A)—
- 10 (i) for “referred to in subsection (6) of section 50B of this Act” substitute “applied for under section 50B(6)”,
- (ii) for “subsection (11) of that section” substitute “section 58A”,
- (c) in subsection (6A), for “approved under section 50B(11)” substitute “which has obtained the approval applied for under section 50B(6)”.
- 15 (20) In section 49(2)(a) (common grazings regulations), for “approved under section 50B(11) of this Act” substitute “which has obtained the approval applied for under section 50B(6)”.
- (21) In section 51A (new common grazing)—
- (a) in subsection (4)(b), for “the crofting community in the locality of the land” substitute “any crofting community which, in the opinion of the Commission, may be affected by, or have an interest in, the application”,
- 20 (b) in subsection (5)—
- (i) after paragraph (a) insert “and”,
- (ii) the “and” immediately following paragraph (b) is repealed,
- (iii) paragraph (c) is repealed,
- 25 (c) in subsection (7), for paragraph (d) substitute—
- “(d) an environmental purpose,
- (e) a purpose other than is mentioned in paragraphs (a) to (d).”.
- (22) In section 52 (miscellaneous provisions as to common grazings, as to lands held runrig, and as to use by crofters of peat bogs, etc.)—
- 30 (a) in subsection (3), for “apportion a common grazing shared by two or more townships into separate parts for the exclusive use of the several townships or may apportion” substitute “decide to apportion a common grazing shared by two or more townships into separate parts for the exclusive use of the several townships or may decide to apportion”,
- 35 (b) in subsection (3A)(a)—
- (i) for “apportionment of” insert “decision to apportion”,
- (ii) for “common grazing was so apportioned” substitute “decision was made”,
- (c) for subsection (4), substitute—
- 40 “(4) The Commission may, on the application of any crofter who holds a right in a common grazing, and after consultation with the grazings committee, decide

to apportion a part of the common grazing (including the site of the dwelling-house of the crofter so applying if situated on the common grazing), other than a part on which the grazings committee have, under section 48(4)—

(a) planted trees and which they are using as woodlands, for the exclusive use of the applicant, or

(b) used for an environmental purpose.”,

(d) in subsection (5B)(a)—

(i) for “apportionment of”, in the first place it occurs, substitute “decision to apportion”,

(ii) for “part was so apportioned” substitute “decision was made”,

(e) in subsection (5C)(a)—

(i) for “apportionment of” substitute “decision to apportion”,

(ii) for “part was so apportioned” substitute “decision was made”,

(f) in subsection (8), before “apportion” insert “decide to”,

(g) in subsection (8A), for “an apportionment” (in both places it occurs substitute “a decision to apportion”,

(h) in subsection (11)—

(i) for “extend” substitute “decide to extend”,

(ii) for the words from “the township” to the end substitute “(as the case may be)—

“(a) any person who appears to the Commission to represent the interests of the township which has exclusive use, or

(b) the crofter who has exclusive use.”,

(i) in subsection (11A)(a)—

(i) for “extension under subsection (11) of” substitute “decision under subsection (11) to extend”,

(ii) for “period was so extended” substitute “decision was made”,

(j) in subsection (12)—

(i) after “Commission may,” insert “of their own accord or”

(ii) for “that township or” substitute “any person who appears to the Commission to represent that township or the”,

(iii) after paragraph (a), insert—

“(aa) review an apportionment made in pursuance of section 27(3) and (4) of the Crofters (Scotland) Act 1955,”,

(iv) in paragraph (b)(iii), after “(a)” insert “or (aa)”,

(k) after subsection (15), insert—

“(16) Where the Commission make any determination under subsection (12)(b) of their own accord, section 52A applies as if that determination were a decision of the Commission on an application to them under this Act.”.

(23) In section 58A (obtaining Commission approval or consent)—

(a) in subsection (4)(b)—

(i) for “in the locality of that land” substitute “of the township within which that land is situated”,

(ii) after “crofter” insert “or other person”,

(b) in subsection (7)(c), for “in the locality of that land” substitute “of the township within which that land is situated”.

(24) In schedule 1 (the Crofting Commission)—

(a) in paragraph 9(1)(d), for “convener” substitute “chair of the Commission”,

(b) in paragraph 10(1), for “convener” substitute “chair”,

(c) in paragraph 16(3)(a), for “provide information to crofting communities” substitute “publish information”.

### *Crofting Reform (Scotland) Act 2010*

2 (1) The Crofting Reform (Scotland) Act 2010 is modified as follows.

15 (2) In section 5 (registration of events affecting registered crofts), in subsection (3), after paragraph (f) insert—

“(fa) the determination that an individual is an owner-occupier crofter under section 19BA(1) of the 1993 Act,”.

20 (3) In schedule 2 (persons responsible for applications for registration), in Table 2 (registration of registered crofts), after the entry for the step relating to the transfer of a crofter’s interest in a lease of a croft as mentioned in section 5(3)(f), insert—

“The determination that an individual is an owner-occupier croft as mentioned in section 5(3)(fa)	The owner-occupier crofter who applied for the determination”.
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## PART 2

### SCOTTISH LAND COURT

#### *Lands Tribunal Act 1949*

3 (1) The Lands Tribunal Act 1949 is modified as follows.

30 (2) In section 1 (establishment of the Lands Tribunal for Scotland, jurisdiction and appeals to the Scottish Tribunals)—

(a) in subsection (3), in the opening words, the words “or the Lands Tribunal for Scotland” are repealed,

(b) in subsection (4), the words “or the Lands Tribunal for Scotland” are repealed,

(c) in subsection (5), the words “or the Lands Tribunal for Scotland” are repealed.

35 (3) Section 3 is repealed.



- (4) In section 4 (power to add to jurisdiction of Upper Tribunal or Lands Tribunal for Scotland)—
- (a) in subsection (1), the words “or the Lands Tribunal for Scotland” are repealed,
  - (b) in subsection (4), paragraph (b) is repealed,
  - (c) subsection (5) is repealed.
- (5) The title to section 4 becomes “**Power to add to jurisdiction of Upper Tribunal**”.

*Succession (Scotland) Act 1964*

4 (1) The Succession (Scotland) Act 1964 is modified as follows.

- (2) In section 16 (provisions relating to leases)—
- (a) in subsection (3)(b), for “relevant court” substitute “Scottish Land Court”,
  - (b) subsection (8A) is repealed.

*Scottish Land Court Act 1993*

5 The Scottish Land Court Act 1993 is repealed.

*Land Reform (Scotland) Act 2003*

15 6 (1) The Land Reform (Scotland) Act 2003 is modified as follows.

- (2) In section 14 (prohibition signs, obstructions, dangerous impediments etc.)—
- (a) in subsection (4), for “summary application made to the sheriff, appeal” substitute “appeal to the Land Court”,
  - (b) in subsection (5)—
    - (i) in paragraph (a), for “summary applications” substitute “appeals”,
    - (ii) in paragraph (b), for “a summary application” substitute “an appeal”.
- (3) In section 28 (judicial determination of existence and extent of access rights and rights of way)—
- (a) in subsection (1), in the opening words, for “, on summary application made to the sheriff, for the sheriff ” substitute “for the Land Court, on an application made to it”,
  - (b) in subsection (2), for “, on summary application made to the sheriff, for the sheriff” substitute “for the Land Court, on an application made to it”,
  - (c) in subsection (3), for “summary application to the sheriff” substitute “an application to the Land Court”,
  - (d) in subsection (4), for “A summary” substitute “An”,
  - (e) in subsection (8)—
    - (i) in paragraph (a), for “a summary” substitute “an”,
    - (ii) in paragraph (b), “summary” is repealed.

- (4) In section 60A(4) (liability of owner of land for valuation expenses), for “sheriff” substitute “Land Court”.
- (5) In section 61 (community right to buy: appeals)—
  - (a) in subsection (1), for “, by summary application, appeal to the sheriff”, substitute “appeal to the Land Court”,
  - (b) in subsection (2), for “, by summary application, appeal to the sheriff”, substitute “appeal to the Land Court”,
  - (c) in subsection (3), for “, by summary application, appeal to the sheriff”, substitute “appeal to the Land Court”,
  - (d) in subsection (3A), for “sheriff” substitute “Land Court”,
  - (e) subsection (5) is repealed,
  - (f) in subsection (7), for “sheriff” substitute “Land Court”.
- (6) In section 91 (crofting right to buy: appeals)—
  - (a) in subsection (1), for “, by summary application, appeal to the sheriff” substitute “appeal to the Land Court”,
  - (b) in subsection (3), for “, by summary application, appeal to the sheriff” substitute “appeal to the Land Court”,
  - (c) subsection (6) is repealed,
  - (d) in subsection (7), for “sheriff shall” substitute “Land Court must”.
- (7) Section 97 (Scottish Land Court) is repealed.
- (8) In section 97V (Community right to buy abandoned, neglected or detrimental land: appeals)—
  - (a) in subsection (1), for “sheriff” substitute “Land Court”,
  - (b) in subsection (2), for “sheriff” substitute “Land Court”,
  - (c) in subsection (4), for “sheriff” substitute “Land Court”,
  - (d) subsection (7) is repealed,
  - (e) in subsection (9), for “sheriff” substitute “Land Court”.

*Judiciary and Courts (Scotland) Act 2008*

- 7 (1) The Judiciary and Courts (Scotland) Act 2008 is modified as follows.
- 30 (2) In section 10 (judicial offices within the Board’s remit), for paragraph (b) substitute—

“(b) the offices of Chair and member of the Scottish Land Court,”.

*Scottish Civil Justice Council and Criminal Legal Assistance Act 2013*

- 8 (1) The Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 is modified as follows.
- 35 (2) In section 2 (functions of the Council)—
  - (a) in subsection (1)(b), after “Session” insert “, the Scottish Land Court”,

- (b) in subsection (6)—
  - (i) the “and” immediately after paragraph (aa) is repealed,
  - (ii) after paragraph (b), insert “, and
  - (c) the Scottish Land Court.”.

*Tribunals (Scotland) Act 2014*

9 (1) The Tribunals (Scotland) Act 2014 is modified as follows.

(2) In section 17 (sheriffs and judges)—

(a) in subsection (2)—

(i) in paragraph (b), for “Chairman” substitute “Chair”,

(ii) the “or” after paragraph (b) is repealed,

(iii) after paragraph (c) insert—

“(d) a suitably qualified member of the Scottish Land Court (as determined under paragraph 14 of schedule 1 of the Crofting and Scottish Land Court Act 2026), or

(e) a suitably qualified member of the Lands Tribunal for Scotland (as determined under section 2(2B) of the Lands Tribunal Act 1949).”,

(b) in subsection (4), for “or the Chairman” substitute “, the Chair or other member”,

(c) in subsection (6), after paragraph (b) insert—

“(c) in the case of a member of the Scottish Land Court (apart from the Chair of that Court), also requires the concurrence of the Chair of that Court,

(d) in the case of a member of the Lands Tribunal for Scotland, also requires the concurrence of the President of that Tribunal.”.

(3) The title of section 17 becomes “**Sheriffs, judges and other holders of judicial office**”.

*Land Reform (Scotland) Act 2016*

10 (1) The Land Reform (Scotland) Act 2016 is modified as follows.

(2) In section 69 (appeals to sheriff)—

(a) in subsection (1), for “sheriff” substitute “Scottish Land Court”,

(b) in subsection (2), for “sheriff” substitute “Scottish Land Court”,

(c) in subsection (3), for “sheriff” substitute “Scottish Land Court”,

(d) in subsection (5), for “sheriff” substitute “Scottish Land Court”,

(e) in subsection (6), for “sheriff” substitute “Scottish Land Court”,

(f) subsection (8) is repealed,

(g) in subsection (10), for “sheriff” substitute “Scottish Land Court”.

(3) The section title of section 69 becomes “**Appeals to the Scottish Land Court**”.

# **Crofting and Scottish Land Court Bill**

[AS INTRODUCED]

An Act of the Scottish Parliament to amend crofting law; to provide for the merger of the Scottish Land Court and the Lands Tribunal for Scotland; and for connected purposes.

Introduced by: Mairi Gougeon  
Supported by: Jim Fairlie  
On: 2 June 2025  
Bill type: Government Bill

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