

# Crofting Reform (Scotland) Bill

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## Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated during Stage 3 proceedings, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

### Groupings of amendments

**Note:** The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above each line must be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

#### **Group 1: Functions of Commission – general**

2, 144, 4, 123, 124

#### **Group 2: Minor, technical and drafting amendments**

3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, 30, 32, 33, 35, 36, 38, 39, 40, 41, 46, 49, 50, 51, 54, 55, 57, 58, 59, 60, 61, 62, 64, 66, 67, 83, 85, 86, 92, 192, 94, 95, 96, 97, 98, 109, 110, 111, 112, 113, 114, 125, 126, 127, 128, 129, 227, 130, 131, 132, 133, 134, 137, 138, 140, 141, 142, 143

#### *Notes on amendments in this Group*

Amendment 98 is pre-empted by amendment 201 in Group 4

Amendments 125, 126, 127 and 128 are pre-empted by amendment 212 in Group 4

Amendment 227 is pre-empted by amendment 214 in Group 4

Amendments 130, 131, 132 and 133 are pre-empted by amendment 215 in Group 4

Amendment 141 is pre-empted by amendment 222 in Group 4

Amendment 142 is pre-empted by amendment 223 in Group 4

Amendment 143 is pre-empted by amendment 224 in Group 4

**Debate to end no later than 20 minutes after proceedings begin**

#### **Group 3: Duty of Commission to support production of community plans**

145

**Group 4: The Crofting Register – need for new Register and commencement**

146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 193, 194, 195, 196, 197, 93, 200, 225, 201, 226, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 228, 221, 222, 223, 224

*Notes on amendments in this Group*

Amendment 184 pre-empts amendments 88 and 89 in Group 10

Amendment 201 pre-empts amendment 98 in Group 2

Amendment 212 pre-empts amendments 125, 126, 127 and 128 in Group 2

Amendment 214 pre-empts amendment 227 in Group 2

Amendment 215 pre-empts amendments 130, 131, 132 and 133 in Group 2

Amendment 222 pre-empts amendment 141 in Group 2

Amendment 223 pre-empts amendment 142 in Group 2

Amendment 224 pre-empts amendment 143 in Group 2

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**Debate to end no later than 40 minutes after proceedings begin**

**Group 5: Registration process and notification of registration**

26, 27, 29, 31, 34, 37, 52, 63, 115, 121, 122

**Group 6: Rectification and indemnity**

42, 43, 44, 45, 47, 48

**Group 7: Common grazings and land held runrig – effect of registration and application of Act**

53, 56, 116, 117, 118, 119, 120

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**Debate to end no later than 1 hour after proceedings begin**

**Group 8: Residency duty – application to islands**

175, 178

**Group 9: Duties to put to purposeful use, keep in fit state for cultivation etc.**

65, 176, 68, 177

**Group 10: Owner-occupied crofts – transfer on division and leases**

69, 70, 71, 72, 73, 88, 89, 90, 91

*Notes on amendments in this Group*

Amendments 88 and 89 are pre-empted by amendment 184 in Group 4

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**Debate to end no later than 1 hour 20 minutes after proceedings begin**

**Group 11: Monitoring compliance with duties**

1, 74, 75, 87

**Group 12: Circumstances in which Commission to be satisfied that certain duties not breached**

76, 77, 78, 79, 80, 81, 82, 84, 135

**Group 13: Assignment of croft to family member – procedure**

190, 191

**Group 14: Presumption against development of certain croft land**

198

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**Debate to end no later than 1 hour 45 minutes after proceedings begin**

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**Group 15: Report to the Parliament on economic condition of crofting etc.**

199

**Group 16: Crown immunity of Commission**

99

**Group 17: Power of Commission to charge**

100, 139

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**Debate to end no later than 2 hours and 5 minutes after proceedings begin**

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**Group 18: Delegation of duty to select member to chair Commission**

101, 102

**Group 19: Representation of interests of landlords on Commission**

103, 104

**Group 20: Elections to Commission**

202, 105, 106, 107, 203, 108

*Notes on amendments in this Group*

Amendment 107 pre-empts amendment 203

**Group 21: Period for financial assistance to persons acquiring crofts**

136

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**Debate to end no later than 2 hours 25 minutes after proceedings begin**

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### Amendments in debating order

#### **Group 1: Functions of Commission – general**

##### **Peter Peacock**

- 2 In section 2, page 1, line 23, at end insert—  
<( ) developing crofting;>

##### **Karen Gillon**

- 144 In section 2, page 2, line 4, after first <to> insert—  
<( ) the desirability of supporting population retention—  
(i) in the crofting counties; and  
(ii) in any area for the time being designated as mentioned in section 3A(1)(b) and in which there are crofts; and>

##### **Peter Peacock**

- 4\* After section 2, insert—  
<**Particular powers of Commission**  
In section 2 of the 1993 Act (particular powers and duties of the Commission), after subsection (1) insert—  
“(1A) The Commission has power to request, from any person, such maps or copies of maps as they consider necessary for the purpose of exercising their general function of regulating crofting and to retain any maps or copies provided in response to such a request.”.>

##### **Peter Peacock**

- 123 In schedule 2, page 69, leave out line 6

##### **Peter Peacock**

- 124 In schedule 2, page 69, leave out line 7

#### **Group 2: Minor, technical and drafting amendments**

##### **Roseanna Cunningham**

- 3 In section 2, page 2, line 6, leave out <that section> and insert <section 2 of that Act>

##### **Roseanna Cunningham**

- 5 In section 3, page 4, line 6, after <crofts> insert <, common grazings and land held runrig>

##### **Roseanna Cunningham**

- 6 In section 4, page 4, leave out lines 22 to 24

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**Roseanna Cunningham**

- 7 In section 4, page 4, line 25, leave out <other case> and insert <case other than the case of a new croft>

**Roseanna Cunningham**

- 8 In section 4, page 4, line 35, leave out <(1)(aa)(ii) and (b)(ii)> and insert <(1)(b)>

**Roseanna Cunningham**

- 9 In section 4, page 5, line 18, leave out from <or> to end of line 21

**Roseanna Cunningham**

- 10 In section 4, page 5, line 33, at end insert—  
    <(la) the making of an application for consent to the letting of the croft or any part of the croft under section 29A(1) of that Act other than such a letting under a short lease (within the meaning of section 29A(2) of that Act);>

**Roseanna Cunningham**

- 11 In section 4, page 6, line 7, leave out from <provided> to end of line 9 and insert—  
    <( ) But an order under subsection (4) may not add, as a step to subsection (3), the transfer (whether or not for valuable consideration) of the ownership of any land on which the croft is situated.>

**Roseanna Cunningham**

- 12 In section 4, page 6, line 19, leave out <or (b)(i)>

**Roseanna Cunningham**

- 13 In section 4, page 6, line 20, leave out <a croft by virtue of subsection (1)(aa)(i) or (b)(i)> and insert <an owner-occupied croft by virtue of subsection (1)(aa)>

**Roseanna Cunningham**

- 14 In section 4, page 6, line 22, at end insert—  
    <( ) In sections 5 to 16, “first registration” means the registration of an unregistered croft.>

**Roseanna Cunningham**

- 15 In section 4, page 6, leave out lines 31 and 32

**Roseanna Cunningham**

- 16 In section 5, page 7, leave out line 3

**Roseanna Cunningham**

- 17 In section 5, page 7, line 4, leave out <other case> and insert <case other than the case of an owner-occupied croft>

**Roseanna Cunningham**

- 18 In section 5, page 7, leave out line 8 and insert—

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<(zc) in any case, the taking, in relation to the croft, of any step mentioned in subsection (2).>

**Roseanna Cunningham**

19 In section 5, page 7, leave out line 15

**Roseanna Cunningham**

20 In section 5, page 7, line 16, leave out <(1)(za)(ii) and (zb)(iii)> and insert <(1)(zc)>

**Roseanna Cunningham**

21 In section 5, page 8, line 31, leave out <(1)(a)> and insert <(1)(za) and (zb)(i)>

**Roseanna Cunningham**

22 In section 5A, page 8, leave out lines 37 and 38

**Roseanna Cunningham**

23 In section 6, page 10, line 4, leave out <Subsections (1) and (4) to (7) do> and insert <This section does>

**Roseanna Cunningham**

24 In section 7, page 10, line 36, leave out <subsection (5)> and insert <the Keeper, after examination, accepts the application>

**Roseanna Cunningham**

25 In section 7, page 10, line 37, leave out from <, subsection> to end of line 41

**Roseanna Cunningham**

28 In section 8, page 11, line 20, after <crofter> insert <or owner-occupier crofter>

**Roseanna Cunningham**

30 In section 9, page 12, line 9, leave out <(i)(i), (i)(ii)> and insert <(i), (la)>

**Roseanna Cunningham**

32 In section 11, page 13, line 39, leave out <(3)> and insert <a copy of such a certificate under section 8(3)>

**Roseanna Cunningham**

33 In section 11, page 14, line 16, leave out <Those matters> and insert <The matters referred to in subsection (1)>

**Roseanna Cunningham**

35 In section 11A, page 15, line 2, leave out <The> and insert <This>

**Roseanna Cunningham**

36 In section 12, page 15, line 16, at beginning insert <Subject to subsection (1C),>

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**Roseanna Cunningham**

- 38 In section 12, page 15, line 27, leave out <such an application> and insert <an application under subsection (1)>

**Roseanna Cunningham**

- 39 In section 12A, page 16, line 9, after <resumed> insert <(whether before or after it was first registered)>

**Roseanna Cunningham**

- 40 In section 12A, page 16, line 17, after <croft> insert <(whether made before or after it was first registered)>

**Roseanna Cunningham**

- 41 In section 12A, page 16, line 18, leave out <24(8B)> insert <25(8B)>

**Roseanna Cunningham**

- 46 In section 14A, page 17, line 37, leave out from <means> to <(10)(2)> in line 38 and insert <has the meaning given by section 6(9)>

**Roseanna Cunningham**

- 49 In section 15, page 18, line 26, leave out <15(1B)> and insert <14(1B)>

**Roseanna Cunningham**

- 50 In section 16, page 19, line 11, after <amount> insert <of>

**Roseanna Cunningham**

- 51 In section 16, page 19, line 14, leave out <section 6(1) and (4)(b)(ii)> insert <sections 6(1) and (4)(b)(ii) and 7(2)(d)>

**Roseanna Cunningham**

- 54 In section 19A, page 21, leave out lines 7 and 8

**Roseanna Cunningham**

- 55 In section 19C, page 23, line 27, at end insert—  
<( ) In this section, “first registration” means the registration of an unregistered common grazing.>

**Roseanna Cunningham**

- 57 In section 19F, page 24, line 11, leave out from <4(1)(aa)(i)> to the end of line 13 and insert <4(1)(aa)>

**Roseanna Cunningham**

- 58 In section 19F, page 24, line 15, leave out <or, as the case may be, a croft situated on the land>

**Roseanna Cunningham**

- 59 In section 19F, page 24, line 17, leave out from <or> to <croft> in line 18

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**Roseanna Cunningham**

- 60 In section 19F, page 24, line 20, leave out <a> and insert <an owner-occupied>

**Roseanna Cunningham**

- 61 In section 19F, page 24, line 20, after second <the> insert <owner-occupied>

**Roseanna Cunningham**

- 62 In section 19F, page 24, line 22, leave out subsection (4)

**Roseanna Cunningham**

- 64 In section 19I, page 26, line 28, leave out subsection (16) and insert—  
<(16) In subsection (2), “first registration” means the registration of unregistered land held runrig.>

**Roseanna Cunningham**

- 66 In section 20, page 28, line 14, leave out <(the earlier of)>

**Roseanna Cunningham**

- 67 In section 20, page 28, line 18, at end insert—  
<whichever occurs first.>

**Roseanna Cunningham**

- 83 In section 23, page 34, line 37, leave out <lease to which section 29B applies> and insert <short lease (within the meaning of section 29A(2))>

**Roseanna Cunningham**

- 85 In section 23, page 34, line 40, leave out <the residency duty> and insert <a duty mentioned in section 5AA or 19C(2)(a)>

**Roseanna Cunningham**

- 86 In section 23, page 36, leave out lines 1 to 3 and insert—  
<(4A) Where a croft, other than an owner-occupied croft, is divided under subsection (1), the Commission must give written notice of the division to the landlord of the croft, specifying the date on which the division took effect.>

**Roseanna Cunningham**

- 92 In section 30, page 44, line 33, at end insert—  
<(6) In subsections (4) and (4A), “first registered croft” means a croft mentioned in section 5(1A) of the 2010 Act.>

**Roseanna Cunningham**

- 192 In section 31, page 47, line 26, leave out <58(12A)> and insert <58A(12A)>

**Roseanna Cunningham**

- 94 In section 33, page 50, line 35, leave out <a statutory instrument containing>



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**Roseanna Cunningham**

- 95 In section 33, page 51, line 7, leave out <Scottish Parliament> and insert <Parliament for the time being appointed by virtue of the standing orders of the Parliament>

**Roseanna Cunningham**

- 96 In section 33, page 51, line 9, leave out from <such> to end of line 11 and insert <the period mentioned in subsection (4B).>

**Roseanna Cunningham**

- 97 In section 33, page 51, line 11, at end insert—  
<(4B) The period is such period of 60 days or longer (including at least 30 days on which the Scottish Parliament is not dissolved or in recess) as the Scottish Ministers specify when laying the draft order.>

**Roseanna Cunningham**

- 98 In section 36, page 51, line 34, leave out <means the registration schedule of the croft> and insert <a common grazing or land held runrig, means the registration schedule of the croft, common grazing or, as the case may be, land held runrig>

**Roseanna Cunningham**

- 109 In schedule 1, page 60, line 13, leave out <role to be undertaken> and insert <functions to be exercised>

**Roseanna Cunningham**

- 110 In schedule 1, page 60, line 17, leave out <roles that assessors perform> and insert <functions that assessors exercise>

**Roseanna Cunningham**

- 111 In schedule 1, page 60, line 20, leave out <role to be undertaken> and insert <functions to be exercised>

**Roseanna Cunningham**

- 112 In schedule 1, page 60, line 27, leave out <perform their duties> and insert <exercise their functions>

**Roseanna Cunningham**

- 113 In schedule 1A, page 62, leave out lines 33 and 34

**Roseanna Cunningham**

- 114 In schedule 1A, page 63, line 10, at end insert—

<The making of an application as mentioned in section 4(3)(1a)	<The owner-occupier crofter making the application>
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**Roseanna Cunningham**

- 125 In schedule 2, page 72, line 1, leave out <section> and insert <subsection>

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**Roseanna Cunningham**

126 In schedule 2, page 72, line 13, leave out first <section> and insert <subsection>

**Roseanna Cunningham**

127 In schedule 2, page 72, line 26, leave out <section (1F)> and insert <subsection (1G)>

**Roseanna Cunningham**

128 In schedule 2, page 72, line 40, leave out <section> and insert <subsection>

**Roseanna Cunningham**

129 In schedule 2, page 72, line 43, leave out from beginning to <land),> and insert <; and  
( )>

**Roseanna Cunningham**

227\* In schedule 2, page 73, line 23, leave out <(5ZB)> and insert <(5ZD)>

**Roseanna Cunningham**

130 In schedule 2, page 73, line 28, leave out <(5ZA)> and insert <(5ZC)>

**Roseanna Cunningham**

131 In schedule 2, page 73, line 29, leave out <(5ZB)> and insert <(5ZD)>

**Roseanna Cunningham**

132 In schedule 2, page 73, line 33, leave out <(5ZC)> and insert <(5ZE)>

**Roseanna Cunningham**

133 In schedule 2, page 73, line 34, leave out <(5ZA)> and insert <(5ZB)>

**Roseanna Cunningham**

134 In schedule 2, page 76, line 12, after <section> insert <5AA,>

**Roseanna Cunningham**

137 In schedule 2, page 77, line 17, at end insert—

<( ) in the words following paragraph (e) of that subsection (as inserted by sub-sub-paragraph (b)(ii))—

- (i) after “such” where it first occurs insert “owner-occupied crofts and”;
- (ii) for “occupiers of crofts who are also the owners thereof,” substitute “owner-occupier crofters,”; and
- (iii) for “and to subtenants of crofts or parts of crofts” substitute “, to subtenants of crofts or parts of crofts and to tenants of crofts or parts of crofts occupying under such short leases”.>

**Roseanna Cunningham**

138 In schedule 2, page 77, line 19, at end insert—

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- <( ) In section 48(3) (liability of crofters to meet expenditure incurred by grazings committees)—
- (a) after “29(2)” insert “ or 29A(4C)”;
  - (b) after “sublet” insert “or, as the case may be, let”;
  - (c) after “subtenant” insert “or tenant”; and
  - (d) after “subtenancy” insert “or tenancy”.>

### **Roseanna Cunningham**

- 140** In schedule 2, page 81, leave out line 7

### **Roseanna Cunningham**

- 141** In schedule 2, page 81, line 11, leave out <is to be construed in accordance with> and insert <means a croft mentioned in>

### **Roseanna Cunningham**

- 142** In schedule 2, page 81, line 37, leave out from <; and> to end of line 38

### **Roseanna Cunningham**

- 143** In the long title, page 1, line 2, after second <crofts> insert <, common grazings and land held runrig>

## **Group 3: Duty of Commission to support production of community plans**

### **Peter Peacock**

- 145** After section 2, insert—

#### **<Duty to support production of community plans**

After section 2D of the 1993 Act insert—

#### **“2E Duty to support production of community plans**

- (1) The Commission must, within one year of the day on which the Bill for the Crofting Reform (Scotland) Act 2010 (asp 00) receives Royal Assent, prepare and publish a scheme of the assistance available from the Commission in relation to community planning (“a crofting community planning scheme”).
- (2) A crofting community planning scheme may—
  - (a) specify a minimum level of support within a township that must be demonstrated in order for assistance to be provided under such a scheme (and how that level of support may be demonstrated);
  - (b) include information about assistance in relation to community planning that is available from other persons or bodies.
- (3) In preparing a crofting community planning scheme, the Commission must consult—
  - (a) organisations representing crofters;
  - (b) organisations representing landowners;

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- (c) each local authority in the area of which there are crofts;
  - (d) Highlands and Islands Enterprise; and
  - (e) such other persons as the Commission consider appropriate.
- (4) The Commission may from time to time vary a crofting community planning scheme and, if they do so, must publish the varied scheme.
- (5) Subsections (3) applies in relation to the variation of a crofting community planning scheme as it applies in relation to the preparation of such a scheme.
- (6) The Commission must, in preparing or varying a crofting community planning scheme, comply with any directions given to them by the Scottish Ministers about—
- (a) the nature and extent of assistance to be provided by the Commission in relation to community planning;
  - (b) the matters mentioned in subsection (2)(a).
- (7) The Commission must, on the request of a person or body representing a township, provide any assistance of a type set out in the most recently published crofting community planning scheme that is requested (providing, if that scheme includes provision about the matters mentioned in subsection (2)(a), that the specified level of support is satisfactorily demonstrated).
- (8) In this section, “community planning” means the preparation by a township of a plan setting out the township’s plans and aspirations for (either or both)—
- (a) the development of—
    - (i) crofting in the township; and
    - (ii) the township;
  - (b) the promotion of the interests of—
    - (i) crofting and crofters in the township; and
    - (ii) the township,
- and how those plans and aspirations will be realised.>

### **Group 4: The Crofting Register – need for new Register and commencement**

**Peter Peacock**  
**Supported by: Liam McArthur**

**146** Leave out section 3

**Peter Peacock**  
**Supported by: Liam McArthur**

**147** Leave out section 4

**Peter Peacock**  
**Supported by: Liam McArthur**

**148** Leave out section 5

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**Peter Peacock**  
**Supported by: Liam McArthur**

**149** Leave out section 5A

**Peter Peacock**  
**Supported by: Liam McArthur**

**150** Leave out section 6

**Peter Peacock**  
**Supported by: Liam McArthur**

**151** Leave out section 7

**Peter Peacock**  
**Supported by: Liam McArthur**

**152** Leave out section 8

**Peter Peacock**  
**Supported by: Liam McArthur**

**153** Leave out section 9

**Peter Peacock**  
**Supported by: Liam McArthur**

**154** Leave out section 10

**Peter Peacock**  
**Supported by: Liam McArthur**

**155** Leave out section 11

**Peter Peacock**  
**Supported by: Liam McArthur**

**156** Leave out section 11A

**Peter Peacock**  
**Supported by: Liam McArthur**

**157** Leave out section 12

**Peter Peacock**  
**Supported by: Liam McArthur**

**158** Leave out section 12A

**Peter Peacock**  
**Supported by: Liam McArthur**

**159** Leave out section 14

**Peter Peacock**  
**Supported by: Liam McArthur**

**160** Leave out section 14A

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**Peter Peacock**  
**Supported by: Liam McArthur**

**161** Leave out section 15

**Peter Peacock**  
**Supported by: Liam McArthur**

**162** Leave out section 16

**Peter Peacock**  
**Supported by: Liam McArthur**

**163** Leave out section 17

**Peter Peacock**  
**Supported by: Liam McArthur**

**164** Leave out section 18

**Peter Peacock**  
**Supported by: Liam McArthur**

**165** Leave out section 19

**Peter Peacock**  
**Supported by: Liam McArthur**

**166** Leave out section 19A

**Peter Peacock**  
**Supported by: Liam McArthur**

**167** Leave out section 19B

**Peter Peacock**  
**Supported by: Liam McArthur**

**168** Leave out section 19C

**Peter Peacock**  
**Supported by: Liam McArthur**

**169** Leave out section 19D

**Peter Peacock**  
**Supported by: Liam McArthur**

**170** Leave out section 19E

**Peter Peacock**  
**Supported by: Liam McArthur**

**171** Leave out section 19F

**Peter Peacock**  
**Supported by: Liam McArthur**

**172** Leave out section 19G

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**Peter Peacock**  
**Supported by: Liam McArthur**

**173** Leave out section 19H

**Peter Peacock**  
**Supported by: Liam McArthur**

**174** Leave out section 19I

**Peter Peacock**  
**Supported by: Liam McArthur**

**179** In section 21, page 31, leave out lines 1 to 20

**Peter Peacock**  
**Supported by: Liam McArthur**

**180** In section 23, page 35, leave out lines 30 to 38 and insert <on the date on which details of that division are entered in the Register of Crofts.>

**Peter Peacock**  
**Supported by: Liam McArthur**

**181** In section 23, page 37, leave out lines 16 to 28

**Peter Peacock**  
**Supported by: Liam McArthur**

**182** In section 23, page 37, line 36, leave out from beginning to end of line 7 on page 38

**Peter Peacock**  
**Supported by: Liam McArthur**

**183** In section 23, page 39, leave out lines 9 to 11

**Peter Peacock**  
**Supported by: Liam McArthur**

**184** In section 24, page 39, leave out lines 19 to 35

**Peter Peacock**  
**Supported by: Liam McArthur**

**185** In section 30, page 44, leave out lines 6 to 14

**Peter Peacock**  
**Supported by: Liam McArthur**

**186** In section 30, page 44, line 20, leave out <in relation to an unregistered croft or a first registered croft>

**Peter Peacock**  
**Supported by: Liam McArthur**

**187** In section 30, page 44, leave out lines 25 to 31

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**Peter Peacock**

**Supported by: Liam McArthur**

**188** In section 30A, page 45, line 8, leave out <in relation to an unregistered common grazing,>

**Peter Peacock**

**Supported by: Liam McArthur**

**189** In section 30A, page 45, leave out lines 13 to 19

**Peter Peacock**

**Supported by: Liam McArthur**

**193** In section 31A, page 48, line 27, leave out <relevant date of registration> and insert <date on which details are entered in the Register of Crofts>

**Peter Peacock**

**Supported by: Liam McArthur**

**194** In section 31A, page 48, line 38, leave out <relevant date> and insert <date on which details are entered in the Register of Crofts>

**Peter Peacock**

**Supported by: Liam McArthur**

**195** In section 31A, page 48, line 41, leave out from <; or> to end of line 2 on page 49

**Peter Peacock**

**Supported by: Liam McArthur**

**196\*** In section 31A, page 49, leave out lines 14 to 20

**Peter Peacock**

**Supported by: Liam McArthur**

**197** In section 31A, page 49, leave out lines 26 to 33

**Peter Peacock**

**93** In section 33, page 50, line 32, at end insert <; or  
( ) section 37(2) bringing any of sections 3 to 19I into force,>

**Peter Peacock**

**Supported by: Liam McArthur**

**200** In section 36, page 51, leave out lines 23 to 27

**Peter Peacock**

**225\*** In section 36, page 51, leave out lines 28 to 31

**Peter Peacock**

**Supported by: Liam McArthur**

**201** In section 36, page 51, leave out lines 32 to 35

**Peter Peacock**

**226\*** In section 36, page 51, line 36, leave out subsection (2)



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**Peter Peacock**  
**Supported by: Liam McArthur**

**204** Leave out schedule 1A

**Peter Peacock**  
**Supported by: Liam McArthur**

**205** Leave out schedule 1B

**Peter Peacock**  
**Supported by: Liam McArthur**

**206\*** In schedule 2, page 69, leave out lines 11 to 26

**Peter Peacock**  
**Supported by: Liam McArthur**

**207** In schedule 2, page 69, line 40, leave out from beginning to end of line 6 on page 70

**Peter Peacock**  
**Supported by: Liam McArthur**

**208** In schedule 2, page 70, leave out lines 8 to 17

**Peter Peacock**  
**Supported by: Liam McArthur**

**209** In schedule 2, page 70, leave out lines 19 to 27

**Peter Peacock**  
**Supported by: Liam McArthur**

**210** In schedule 2, page 70, leave out lines 29 to 39

**Peter Peacock**  
**Supported by: Liam McArthur**

**211** In schedule 2, page 71, leave out lines 4 to 10

**Peter Peacock**  
**Supported by: Liam McArthur**

**212** In schedule 2, page 71, line 22, leave out from beginning to end of line 42 on page 72

**Peter Peacock**  
**Supported by: Liam McArthur**

**213** In schedule 2, page 73, leave out lines 3 to 20

**Peter Peacock**  
**Supported by: Liam McArthur**

**214** In schedule 2, page 73, leave out line 23

**Peter Peacock**  
**Supported by: Liam McArthur**

**215** In schedule 2, page 73, line 28, leave out from beginning to end of line 12 on page 74

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**Peter Peacock**

**Supported by: Liam McArthur**

**216** In schedule 2, page 74, line 31, leave out from beginning to end of line 7 on page 76

**Peter Peacock**

**Supported by: Liam McArthur**

**217** In schedule 2, page 76, leave out lines 27 to 39

**Peter Peacock**

**Supported by: Liam McArthur**

**218\*** In schedule 2, page 77, line 25, leave from beginning to end of line 33 on page 79

**Peter Peacock**

**Supported by: Liam McArthur**

**219** In schedule 2, page 79, leave out lines 35 to 38

**Peter Peacock**

**Supported by: Liam McArthur**

**220** In schedule 2, page 79, line 42, leave out from beginning to end of line 9 on page 80

**Peter Peacock**

**228\*** In schedule 2, page 80, leave out lines 10 and 11

**Peter Peacock**

**Supported by: Liam McArthur**

**221** In schedule 2, page 80, line 33, leave out from beginning to end of line 4 on page 81

**Peter Peacock**

**Supported by: Liam McArthur**

**222** In schedule 2, page 81, leave out lines 7 to 24

**Peter Peacock**

**Supported by: Liam McArthur**

**223** In schedule 2, page 81, leave out lines 35 to 40

**Peter Peacock**

**Supported by: Liam McArthur**

**224** In the long title, page 1, line 1, leave out from second <to> to <it;> in line 2

**Group 5: Registration process and notification of registration**

**Roseanna Cunningham**

**26** In section 8, page 11, line 12, after <completes> insert <a first>

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**Roseanna Cunningham**

- 27 In section 8, page 11, line 15, leave out from beginning to second <than> and insert <(except where the first registration is of a new croft or is>

**Roseanna Cunningham**

- 29 In section 8, page 11, line 22, leave out from beginning to second <than> and insert <When issuing a certificate under subsection (2) (other than one relating to the first registration of a new croft or a first registration)>

**Roseanna Cunningham**

- 31 In section 9, page 12, line 33, leave out subsections (4) to (6)

**Roseanna Cunningham**

- 34 In section 11, page 14, line 26, at end insert—

- <( ) For the purposes of subsection (5), “the date on which the Commission issue notification under subsection (1)” means—
- (a) where notification under subsection (1) is issued on the same date to every person entitled to receive it, that date;
  - (b) where such notification is issued otherwise than is mentioned in paragraph (a), the date notification is issued to the last person entitled to receive it.
- ( ) The Commission must notify the applicant of the date mentioned in subsection (5).>

**Roseanna Cunningham**

- 37 In section 12, page 15, line 20, leave out subsection (1A)

**Roseanna Cunningham**

- 52 After section 17, insert—

**<Notification of change to registration schedule**

- (1) Where the registration schedule of a croft or an owner-occupied croft is amended as a result of an event such as is mentioned in section 5(1) taking place, the Keeper must give written notification of the amendment—
  - (a) to the person who applied to register the event by virtue of that section; and
  - (b) where that person is not the Commission, to the Commission.
- (2) Where, by virtue of being the applicant, the Commission receive notification under subsection (1)(a), they must send a copy of the notification to the crofter or, as the case may be, owner-occupier crofter of the croft to which the notification relates.
- (3) Where the registration schedule of a croft, or, in relation to a croft, the register, is amended in accordance with subsection (3) of section 9, the Keeper must give written notification of the amendment—
  - (a) to—
    - (i) the person who made the application mentioned in paragraph (a) of that subsection; or

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- (ii) where that person is no longer the crofter, or the owner-occupier crofter, of the croft as a result of the granting of the application mentioned in section 4(3)(b), (c) or (1a), the person who is for the time being the crofter or, as the case may be, owner-occupier crofter of the croft; and
  - (b) to the Commission.
- (4) Subsection (5) applies where, as a result of an order under section 12(2) or 17(2), or under section 26K(7), 52A(4A) or 53(3) of the 1993 Act, an amendment is made to—
  - (a) the registration schedule of a croft;
  - (b) the register.
- (5) The Keeper must give written notification to—
  - (a) any person appearing to the Keeper to be affected by the amendment; and
  - (b) the Commission.>

### **Roseanna Cunningham**

- 63** In section 19I, page 26, line 15, leave out <17> and insert <(Notification of change to registration schedule)>

### **Roseanna Cunningham**

- 115** In schedule 1B, page 65, line 24, leave out <and (5)>

### **Roseanna Cunningham**

- 121** In schedule 1B, page 66, line 38, leave out <(1A),>

### **Roseanna Cunningham**

- 122** In schedule 1B, page 67, line 18, at end insert—

<Section (*Notification of change to registration schedule*) applies to an amendment to the registration schedule of a common grazing, or to an amendment to the register relating to a common grazing, as it applies to an amendment to the registration schedule of a croft, or as the case may be, to an amendment to the register relating to a croft with the following modifications—

- (a) in subsection (1)—
  - (i) for “croft or owner-occupied croft” substitute “common grazing”;
  - (ii) for “5(1)” substitute “19B(1)”;
- (b) in subsection (2), for “the crofter, or as the case may be owner-occupier crofter, of the croft” substitute “the owner of the common grazing and to any grazings committee, or grazings constable, of the common grazing”;
- (c) subsection (3) is omitted;
- (d) in subsection (4)—
  - (i) “26K(7)” is omitted;
  - (ii) in paragraph (a), for “croft” substitute “common grazing”.>

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### **Group 6: Rectification and indemnity**

#### **Roseanna Cunningham**

- 42 In section 14, page 16, line 34, after <6(4)(b),> insert <or when submitting (on their own behalf) an application for registration,>

#### **Roseanna Cunningham**

- 43 In section 14, page 16, line 36, at beginning insert <in either case,>

#### **Roseanna Cunningham**

- 44 In section 14, page 16, line 37, at beginning insert <in the case of an application so forwarded,>

#### **Roseanna Cunningham**

- 45 In section 14A, page 17, line 34, leave out <, the Commission is> and insert <or when submitting (on their own behalf) an application for registration, the Commission are>

#### **Roseanna Cunningham**

- 47 In section 15, page 18, line 13, at end insert—

<( ) But the Keeper is not liable to indemnify a person under subsection (1) in relation to a mistake such as is mentioned in subsection (2)(a) if—

(a) the existence of the mistake was, or ought to have been, known to—

(i) the person seeking indemnity for loss; or

(ii) any person acting as solicitor or other legal adviser of that person,

at the time of registration (construed as including completion of registration under section 8 or 9 and notification under section (*Notification of change to registration schedule*));

(b) the mistake relates to an inaccuracy in the delineation of any boundaries shown in a registration schedule, being an inaccuracy which could not have been rectified by reference to the ordnance map or to such other map as the Keeper, for the purposes of section 10(2)(a), considers appropriate; or

(c) the loss was caused by the fraudulent or careless act or omission of the person seeking indemnity for loss.>

#### **Roseanna Cunningham**

- 48 In section 15, page 18, line 23, after <6(4)(b)> insert <or when submitting (on their own behalf) the application for registration>

### **Group 7: Common grazings and land held runrig – effect of registration and application of Act**

#### **Roseanna Cunningham**

- 53 In section 19A, page 21, line 5, at end insert—

<( ) Where land is registered under subsection (1), for the purposes of this Act—

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- (a) the land is, from the date of registration, a common grazing; and
  - (b) the land which comprises the common grazing is determined by the description of that land in the registration schedule of the common grazing.
- ( ) Nothing in this section affects whether, before the date of registration, the land was a common grazing.>

### **Roseanna Cunningham**

- 56** In section 19D, page 24, leave out lines 1 to 3

### **Roseanna Cunningham**

- 116** In schedule 1B, page 65, line 34, at beginning insert <in relation to a croft such as is mentioned in paragraph (ba) which is unregistered,>

### **Roseanna Cunningham**

- 117** In schedule 1B, page 65, line 35, leave out <such a> and insert <the>

### **Roseanna Cunningham**

- 118** In schedule 1B, page 65, line 36, leave out <such a> and insert <the>

### **Roseanna Cunningham**

- 119** In schedule 1B, page 65, leave out lines 37 and 38

### **Roseanna Cunningham**

- 120** In schedule 1B, page 66, line 5, leave out <(3)> and insert <a copy of such a certificate received under section 8(3)>

## **Group 8: Residency duty – application to islands**

### **Liam McArthur**

- 175** In section 20, page 27, line 4, at end insert—

<( ) The Scottish Ministers may, on the request of the Commission, by order specify islands where the duty in subsection (1) applies as if the reference to being ordinarily resident within 32 kilometres of the crofter’s croft was a reference to being ordinarily resident on the island.”.>

### **Liam McArthur**

- 178** In section 21, page 30, line 3, at end insert—

<( ) The Scottish Ministers may, on the request of the Commission, by order specify islands where the duty in subsection (2)(a) applies as if the reference to being ordinarily resident within 32 kilometres of the owner-occupier’s croft was a reference to being ordinarily resident on the island.”.>

**THIS IS NOT THE MARSHALLED LIST**

**Group 9: Duties to put to purposeful use, keep in fit state for cultivation etc.**

**Roseanna Cunningham**

- 65 In section 20, page 27, line 39, leave out <is cultivated or> insert <which is capable of being cultivated or put to another purposeful use either is cultivated or is>

**John Scott**

**Supported by: Liam McArthur, Peter Peacock**

- 176 In section 20, page 28, line 8, leave out <, iris>

**Roseanna Cunningham**

- 68 In section 21, page 29, line 38, after <croft> insert <which is capable of being cultivated or put to another purposeful use>

**John Scott**

**Supported by: Liam McArthur, Peter Peacock**

- 177 In section 21, page 30, line 19, leave out <, iris>

**Group 10: Owner-occupied crofts – transfer on division and leases**

**Roseanna Cunningham**

- 69 In section 21, page 30, line 37, leave out <sell> and insert <transfer (whether or not for valuable consideration) ownership of>

**Roseanna Cunningham**

- 70 In section 21, page 30, line 39, leave out <sell> and insert <transfer>

**Roseanna Cunningham**

- 71 In section 21, page 31, line 21, leave out <sale> and insert <transfer of ownership>

**Roseanna Cunningham**

- 72 In section 21, page 31, line 22, leave out <sell> and insert <transfer ownership of>

**Roseanna Cunningham**

- 73 In section 21, page 31, line 24, leave out <sale> and insert <transfer of ownership>

**Roseanna Cunningham**

- 88 In section 24, page 39, line 19, at beginning insert <Subject to subsection (4A),>

**Roseanna Cunningham**

- 89 In section 24, page 39, line 27, at beginning insert <Subject to subsection (4B),>

**Roseanna Cunningham**

- 90 In section 24, page 40, line 6, at end insert—

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<(4A) Subsection (1A) does not apply to an application for consent to a proposed lease which is a short lease.

(4B) Subsection (1B) does not apply to—

- (a) consent under subsection (1) to a short lease; or
- (b) the letting of the croft (or part of the croft) on a short lease.>

### **Roseanna Cunningham**

**91** In section 24, page 40, line 6, at end insert—

<(4C) Where, by virtue of a lease granted under this section, a right in a common grazing is let to the tenant under the lease—

- (a) that tenant comes into the place of the owner-occupier crofter in relation to any matter which concerns the right; and
- (b) any grazings regulations applicable to the grazing apply to the tenant accordingly.>

### **Group 11: Monitoring compliance with duties**

#### **John Scott**

**1** Before section 23, insert—

#### **<Information as to compliance with duties: annual notices**

After section 40 of the 1993 Act insert—

#### **“40A Annual notices**

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



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

### Elaine Murray

74 In section 23, page 32, line 37, at end insert—

*<“Investigation of suspected breach of duty*

#### **26ZA Commission’s duty to investigate suspected breach of duty**

- (1) This section applies where the Commission receive—
  - (a) a report from a grazings committee under section 49A(1) which includes information on a matter mentioned in subsection (2); or
  - (b) information in writing from a person mentioned in subsection (3) relating to such a matter.
- (2) The matter referred to in subsection (1) is that—
  - (a) a crofter is not complying with a duty mentioned in section 5AA, 5B or 5C; or
  - (b) an owner-occupier crofter is not complying with a duty mentioned in section 19C(2).
- (3) The persons referred to in subsection (1)(b) are—
  - (a) a grazings committee;
  - (b) a grazings constable;
  - (c) an assessor appointed under paragraph 16 of schedule 1;
  - (d) a member of the crofting community within which the croft to which the matter mentioned in subsection (2) relates is situated.
- (4) The Commission must investigate whether or not the duty to which the report or, as the case may be, information relates is being complied with.

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- (5) But the Commission need not do so where they consider the information included in the report or, as the case may be, received as mentioned in subsection (1)(b) is frivolous or vexatious.>

**Elaine Murray**

- 75 In section 23, page 33, line 3, after <consider> insert <(whether following an investigation under section 26ZA(4) or otherwise)>

**Rob Gibson**

- 87 After section 23, insert—

*<Grazings committees: duty to report misuse etc.>*

**Grazings committees: duty to report breaches of crofters' and owner-occupier crofters' duties etc.**

After section 49 of the 1993 Act insert—

**“49A Grazings committees: duty to report**

- (1) Each grazings committee must report to the Commission on—
- (a) the condition of the common grazing;
  - (b) the condition of every croft of a crofter sharing in the grazing;
  - (c) the condition of every owner-occupied croft of an owner-occupier crofter sharing in the grazing;
  - (d) any other matter the Commission may require.
- (2) Where the committee consider that—
- (a) a crofter sharing in the grazing is not complying with a duty mentioned in section 5AA, 5B or 5C;
  - (b) an owner-occupier crofter sharing in the grazing is not complying with a duty mentioned in section 19C(2),
- the report under subsection (1) must also include information on that matter.
- (3) A report under subsection (1) may also include information on any other matter affecting—
- (a) the common grazing;
  - (b) crofting in any township associated with the grazing,
- as the committee consider appropriate.
- (4) The first report under subsection (1) must be submitted as soon as reasonably practicable after the end of the period of 1 year beginning with the day section (*Grazings committees: duty to report breaches of crofters' and owner-occupier crofters' duties etc.*) of the 2010 Act comes into force.
- (5) Each subsequent report must be submitted as soon as reasonably practicable after the end of each successive period of 5 years.”>

**THIS IS NOT THE MARSHALLED LIST**

**Group 12: Circumstances in which Commission to be satisfied that certain duties not breached**

**Elaine Murray**

**76** In section 23, page 33, line 7, at end insert—

<( ) The Commission are not, in any case where a question arises as to whether section 5B(4) or, as the case may be, 19C(5) applies, to conclude that a duty mentioned in section 5B or 19C(2)(b) is not being complied with in any case where—

(a) the crofter or owner-occupier crofter supplies the Commission with evidence of planning and management relating to the activity being engaged in or refrained from; and

(b) Scottish Natural Heritage (or such other conservation body as the Commission consider appropriate in the particular case) states, in response to a request from the Commission, that the activity being engaged in, or refrained from, contributes to a purpose mentioned in section 5B(4) or, as the case may be, 19C(5).>

**Elaine Murray**

**77** In section 23, page 33, line 7, at end insert—

<(1ZA)The Commission are not, in any case where a question arises as to whether section 5B(4) or, as the case may be, 19C(5) applies, to conclude that a duty mentioned in section 5B or 19C(2)(b) is not being complied with if subsection (1ZB) applies.

(1ZB)This subsection applies if Scottish Natural Heritage (or such other conservation body as the Commission consider appropriate in the particular case) states, in response to a request from the Commission, that the activity being engaged in, or refrained from, contributes to a purpose mentioned in section 5B(4) or, as the case may be, 19C(5).>

**Roseanna Cunningham**

**78** In section 23, page 33, line 8, at beginning insert <For the purposes of subsection (1)(a)—

( )>

**Roseanna Cunningham**

**79** In section 23, page 33, line 11, at end insert—

<( ) where the Commission have granted consent under section 21B, the crofter is deemed to comply with the duty mentioned in section 5AA.>

**Roseanna Cunningham**

**80** In section 23, page 33, line 12, at beginning insert <For the purposes of subsection (1)(b)—

( )>

**Roseanna Cunningham**

**81** In section 23, page 33, line 12, after <a> insert <short>

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### **Roseanna Cunningham**

82 In section 23, page 33, line 15, at end insert—

<( ) where the Commission have granted consent under section 21B, the owner-occupier crofter is deemed to comply with the duty mentioned in section 19C(2)(a).>

### **Roseanna Cunningham**

84 In section 23, page 34, line 38, leave out <such>

### **Roseanna Cunningham**

135 In schedule 2, page 76, line 12, at end insert—

<( ) after that subsection insert—

“(1A) For the purposes of paragraph (c) of subsection (1)—

- (a) where a crofter has sublet the croft by virtue of a lease to which section 27 applies, the crofter is deemed to comply with the duties mentioned in that paragraph (other than the duty not to misuse the croft) if the crofter’s subtenant complies with the duties;
- (b) where the Commission have granted consent under section 21B, the crofter is deemed to comply with the duty mentioned in section 5AA.”; and>

## **Group 13: Assignment of croft to family member – procedure**

### **Peter Peacock**

190 In section 31, page 46, line 2, leave out <subsection> and insert <subsections (6ZA) and>

### **Peter Peacock**

191 In section 31, page 46, line 8, at end insert—

<“(6ZA) Where the application is an application for consent to assign a croft to a family member of the crofter, the Commission must, before deciding the application under subsection (6) in a case where they propose to refuse the application—

- (a) notify the crofter of the reasons for the proposed refusal; and
- (b) have regard to any representations made to them by the crofter within the period of 28 days beginning with the day such notification is given (as well as to the factors mentioned in subsection (7)) in making a final decision under subsection (6).>

## **Group 14: Presumption against development of certain croft land**

### **Liam McArthur**

198 Before section 32, insert—

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### <Presumption against development of certain croft land

- (1) The Scottish Ministers must, within one year of the Bill for this Act receiving Royal Assent, revise any statement of their policy on nationally important land use matters so that it makes the provision mentioned in subsection (2).
- (2) That provision is—
  - (a) provision establishing a presumption against the development of inbye land;
  - (b) provision allowing that presumption to be departed from where—
    - (i) the development is for an essential purpose or to meet an established need and no other site is available; or
    - (ii) good reasons can be shown as to why the development or use of land proposed cannot be carried out on common grazing land;
  - (c) such further provision as the Scottish Ministers consider necessary or expedient to supplement the presumption mentioned in paragraph (a).
- (3) In subsection (2), “inbye land” means that part of a croft not comprising the hill and rough grazings, the bulk of which is used for arable and grassland production.>

### **Group 15: Report to the Parliament on economic condition of crofting etc.**

**Karen Gillon**

**199** Before section 32, insert—

#### <Duty to report to the Scottish Parliament

- (1) The Scottish Ministers must lay before the Scottish Parliament, once every 4 years, a report on—
  - (a) the economic condition of crofting;
  - (b) the measures taken to support crofting during the reporting period by—
    - (i) the Scottish Ministers;
    - (ii) the Commission;
  - (c) the further measures that the Scottish Ministers intend to take to address the economic condition of crofting.
- (2) The first such report must be laid before the Scottish Parliament within 6 months of the date on which the Bill for this Act was passed.
- (3) In subsection (1) “reporting period” means—
  - (a) in the case of the first report, the period of 4 years preceding the laying of the report;
  - (b) in the case of each subsequent report, the period since the laying of the last report.>

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### **Group 16: Crown immunity of Commission**

**Elaine Murray**

- 99 In schedule 1, page 53, line 10, leave out <, privilege or immunity> and insert <or privilege>

### **Group 17: Power of Commission to charge**

**Peter Peacock**

- 100 In schedule 1, page 53, line 25, at end insert—

- <( ) Regulations under sub-paragraph (2)(d) may only be made if the Commission have—
- (a) consulted crofters about the functions and amounts that should be prescribed under that sub-paragraph; and
  - (b) requested the Scottish Ministers to make such regulations.>

**Peter Peacock**

- 139 In schedule 2, page 80, line 25, after <paragraph> insert <2(2)(d) or>

### **Group 18: Delegation of duty to select member to chair Commission**

**Roseanna Cunningham**

- 101 In schedule 1, page 54, line 4, at end insert—

- <( ) A delegation under sub-paragraph (3A) may be varied or revoked at any time.>

**Liam McArthur**

- 102 In schedule 1, page 54, line 4, at end insert—

- <( ) The Scottish Ministers must, where the duty to select a member to chair the Commission arises and is not delegated under sub-paragraph (3A), set out their reasons for not delegating the duty in the next annual report laid before the Scottish Parliament under section 2B.>

### **Group 19: Representation of interests of landlords on Commission**

**Roseanna Cunningham**

- 103 In schedule 1, page 54, line 17, at end insert—

- <( ) where sub-paragraph (2A) applies, that at least one person appointed appears to Ministers to represent the interests of landlords of crofts; and>

**Roseanna Cunningham**

- 104 In schedule 1, page 54, line 22, at end insert—

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<(2A) This sub-paragraph applies where the Scottish Ministers consider that none of the elected members represents the interests of landlords of crofts.>

### **Group 20: Elections to Commission**

#### **Karen Gillon**

202 In schedule 1, page 55, line 34, at beginning insert <subject to sub-paragraph (4),>

#### **Roseanna Cunningham**

105 In schedule 1, page 56, line 11, at end insert—

<(2A) Regulations under sub-paragraph (1) may not make provision creating an offence such as is mentioned in sub-paragraph (2)(ca) that is punishable—

(a) on conviction on indictment, with imprisonment for a term exceeding two years;

(b) on summary conviction, with—

(i) imprisonment for a term exceeding 12 months; or

(ii) a fine exceeding level 5 on the standard scale.

(2B) In the case of an offence which is triable either on indictment or summarily, the reference in sub-paragraph (2A)(b)(ii) to a fine exceeding level 5 on the standard scale is to be construed as a reference to the statutory maximum.>

#### **Roseanna Cunningham**

106 In schedule 1, page 56, leave out lines 12 to 16 and insert—

<(3) In making provision such as is mentioned in sub-paragraph (2)(h), the regulations must provide that the persons who may be candidates in elections such as are mentioned in sub-paragraph (1) may include persons who—

(a) are aged 16 or over; and

(b) have been nominated by a person eligible to vote in such elections.>

#### **Roseanna Cunningham**

107 In schedule 1, page 56, leave out lines 17 to 27

#### **Karen Gillon**

203 In schedule 1, page 56, leave out lines 17 to 21 and insert—

<(4) In making provision such as is mentioned in sub-paragraph (2)(e), the regulations must provide that persons who are eligible to vote in elections such as are mentioned in sub-paragraph (1) may include persons who are the—

(a) spouse;

(b) civil partner; or

(c) cohabitant

of a registered crofter who is eligible to vote in such elections.>

**THIS IS NOT THE MARSHALLED LIST**

**Roseanna Cunningham**

- 108** In schedule 1, page 56, line 32, leave out <such elections> and insert <elections such as are mentioned in sub-paragraph (1)>

**Group 21: Period for financial assistance to persons acquiring crofts**

**Roseanna Cunningham**

- 136** In schedule 2, page 77, line 9, at end insert <; and  
( ) the words “for a period of 7 years from the date of acquisition from the landlord”  
are repealed.>