

Crofting Reform (Scotland) Bill

1st Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Section 1	Schedule 1
Section 2	Sections 25 to 31
Sections 3 to 24	Sections 32 to 35
Schedule 2	Sections 36 to 37
Long Title	

Amendments marked * are new (including manuscript amendments) or have been altered.

Schedule 1

Elaine Murray

Supported by: John Farquhar Munro

51 In schedule 1, page 33, leave out lines 9 and 10

Peter Peacock

52 In schedule 1, page 33, leave out lines 24 and 25

Peter Peacock

53* In schedule 1, page 33, line 24, leave out from <, in> to the end of line 25 and insert <in respect of any of their functions to regulate crofting, with the approval of Scottish Ministers and following consultation with crofters as to the principle and scale of such charges.

(3) The charges referred to in paragraph 2(2)(d) may only be applied by regulations.>

Liam McArthur

54 In schedule 1, page 34, leave out lines 1 and 2 and insert—

<() Members of the Commission must nominate from among their own number a chair of the Commission (the “convener”).

() Appointment of the Commission’s nominee as convener is subject to the approval of the Scottish Ministers.>

Peter Peacock

55 In schedule 1, page 34, line 2, at end insert—

<() The Scottish Ministers may delegate to the Commission the duty to select a member to chair the Commission.>

John Scott

- 64 In schedule 1, page 34, line 15, at end insert—
<() that at least one person appointed represents landlords’ interests>

Liam McArthur

- 56 In schedule 1, page 35, leave out line 28

Roseanna Cunningham

- 2 In schedule 1, page 35, line 30, at end insert—
<() offences relating to such elections;>

Karen Gillon

- 57 In schedule 1, page 35, line 33, at beginning insert <subject to sub-paragraph (4),>

Karen Gillon

- 58 In schedule 1, page 36, line 1, at beginning insert <subject to sub-paragraph (3),>

Karen Gillon

- 59 In schedule 1, page 36, line 9, at end insert—
<(3) A person is entitled to stand for election as a member of the Commission provided that the person—
(a) is aged 16 or older; and
(b) has been nominated by a person eligible to vote under sub-paragraph (2)(e).>

Karen Gillon

- 60 In schedule 1, page 36, line 9, at end insert—
<(4) A person who is the—
(a) spouse;
(b) civil partner; or
(c) cohabitant
of a registered crofter eligible to vote in such elections is also eligible to vote.
(5) In sub-paragraph (4), “cohabitant” means a member of a couple consisting of—
(a) a man and a woman who are living together as if they were husband and wife; or
(b) two persons of the same sex who are living together as if they were civil partners.>

Liam McArthur

61 In schedule 1, page 36, line 9, at end insert—

- <() The regulations under sub-paragraph (1) must provide that such elections will be conducted on an alternative vote voting system.>

Liam McArthur

62 In schedule 1, page 36, line 9, at end insert—

- <() Before making regulations under sub-paragraph (1), the Scottish Ministers must consult such persons or bodies as they think appropriate on—
 - (a) the constituency boundaries to be used; and
 - (b) the persons who are eligible to vote,in such elections.

Elaine Murray

63 In schedule 1, page 39, line 26, at end insert—

- <() The Commission must, before exercising their powers under sub-paragraph (1), publish details of—
 - (a) the methods to be used for the appointment of assessors; and
 - (b) the role to be undertaken by assessors.
- () In exercising their powers under sub-paragraph (1), the Commission must—
 - (a) provide information to crofting communities about—
 - (i) the appointment of assessors; and
 - (ii) the roles that assessors perform; and
 - (b) keep under review—
 - (i) the methods to be used for the appointment of assessors; and
 - (ii) the role to be undertaken by assessors.>

Section 2

Peter Peacock

65 In section 2, page 1, line 23, at end insert—

- <() developing crofting;>

Karen Gillon

66 In section 2, page 1, line 24, at end insert—

- <() supporting population retention in crofting communities;>

Karen Gillon

67 In section 2, page 2, line 2, at end insert—

<() In exercising their functions under subsection (2), the Commission must have regard to the impact of changes to the overall area of land held in crofting tenure on the sustainability of crofting.”.>

John Scott

68 In section 2, page 3, line 2, at end insert—

<() representatives of crofting landowners and crofters;>

After section 2

Elaine Murray

69 After section 2, insert—

<Particular duties of the Commission: local development plans

In section 2 of the 1993 Act (particular powers and duties of the Commission), after subsection (3), insert—

“(3A) The Commission must, in so far as is reasonable when providing views to a planning authority by virtue of section 17(4)(a), 18(1)(d) or 21(3)(a) of the Town and Country Planning (Scotland) Act 1997 (c.8), act in the way best calculated to protect inbye land from development.

(3B) In subsection (3B), “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.”.>

Elaine Murray

70 After section 2, insert—

<Particular duties of the Commission: planning applications

In section 2 of the 1993 Act (particular powers and duties of the Commission), after subsection (3) insert—

“(3C) The Commission must, after being notified of an application for planning permission by a planning authority under section 38(3A) of the Town and Country Planning (Scotland) Act 1997 (c.8), either—

(a) submit views on the application to the planning authority; or

(b) notify the planning authority that they do not intend to submit any such views.”.>

Before section 25

Alasdair Allan

1 Before section 25, insert—

<Limitation on crofter’s ability to nominate disponee

In section 13 of the 1993 Act (authorisation of the Land Court of acquisition of croft land), after subsection (1) insert—

“(1A) For the purposes of subsection (1)(a), only a member of the crofter’s family may be the crofter’s nominee.”.>

Peter Peacock

71 Before section 25, insert—

<Assignment of croft

After subsection (4) of section 8 of the 1993 Act (assignment of croft) insert—

“(4A) In considering an assignment by a crofter to a member of his family, the Commission shall not withhold consent on the grounds that the family member is not ordinarily resident on, or within 32 kilometres of, the croft.”.>

Section 25

Peter Peacock

72 Leave out section 25

Section 28

Roseanna Cunningham

3 In section 28, page 27, leave out lines 12 to 19 and insert—

<“(5ZA) No more than three proposals may be submitted to the Commission in response to a notice given under subsection (5).

(5ZB) Where a proposal for letting the croft is submitted to the Commission in response to a notice given under subsection (5), they must approve or reject the proposal—

- (a) in a case where the croft is declared vacant under section 11(8), within the period of five months beginning with the day on which the notice under section 11(8)(a) is given; or
- (b) in any other case, within the period of three months beginning with the day on which the notice under subsection (5) was given.

(5ZC) The Commission must (as soon as is reasonably practicable) proceed in accordance with subsections (5B) and (5C) if—

- (a) no proposals for letting the croft are submitted by the landlord before the expiry of the period of two months mentioned in subsection (5);
- (b) the landlord has submitted one or two proposals for letting the croft within the period of two months mentioned in subsection (5) and—
 - (i) all such proposals are rejected by the Commission; and
 - (ii) the period of two months mentioned in subsection (5) has expired; or
- (c) the landlord has submitted three proposals for letting the croft (within the period of two months mentioned in subsection (5)) and the Commission has rejected all three.”.>

Roseanna Cunningham

4 In section 28, page 27, leave out lines 21 to 28 and insert—

<“(5A) Where a croft is declared vacant under section 11(8), the Commission must (as soon as is reasonably practicable) proceed in accordance with subsections (5B) and (5C) if—

- (a) no proposals for letting the croft are submitted by the landlord before the expiry of the period of four months mentioned in section 11(8)(a);
- (b) the landlord has submitted one or two proposals for letting the croft within the period of four months mentioned in section 11(8)(a) and—
 - (i) all such proposals are rejected by the Commission; and
 - (ii) the period of four months mentioned in section 11(8)(a) has expired; or
- (c) the landlord has submitted three proposals for letting the croft (within the period of four months mentioned in section 11(8)(a)) and the Commission has rejected all three.”.>

Section 30

Roseanna Cunningham

5 In section 30, page 28, line 10, at end insert—

<() Where a croft such as is mentioned in subsection (2) is an unregistered croft, the Commission—

- (a) must not make a direction under subsection (3) unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application for the direction is made;
- (b) need not, during that 6 month period, consider the application for the direction until an application for first registration of the croft is submitted.>

Roseanna Cunningham

6 In section 30, page 28, line 16, after <direction> insert <in relation to an unregistered croft or a first registered croft>

Roseanna Cunningham

7 In section 30, page 28, line 19 at end insert—

<() Where the Commission make a direction in relation to a registered croft (other than a first registered croft)—

- (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 enlargement of the croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
- (b) the enlargement takes effect on the date of registration.>

After section 30

Roseanna Cunningham

8 After section 30, insert—

<Enlargement of common grazings

For section 51 of the 1993 Act (enlargement of common grazings) substitute—

“51 Enlargement of common grazings

- (1) This section applies where—
 - (a) an owner of land to which this Act does not apply agrees to grant rights in any pasture or grazing land to the crofters sharing in a common grazing; and
 - (b) the owner and the crofters agree that such land will form part of the common grazing.
- (2) The owner and the crofters may apply jointly to the Commission for a direction that the land is to form part of the common grazing.
- (3) The Commission may make a direction if they are satisfied that the enlargement of the common grazing would be of benefit to the common grazing or the crofters sharing in it.
- (4) Where the Commission make a direction in relation to an unregistered common grazing, the land forms part of the common grazing from the later of—
 - (a) the date of the direction; or
 - (b) the date on which the rights mentioned in subsection (1)(a) are first exercisable.
- (5) Where the Commission make a direction in relation to a registered common grazing—
 - (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 enlargement of the common grazing is submitted by virtue of section (*Registration of events affecting registered common grazings*) of the 2010 Act before the expiry of that period;
 - (b) the enlargement takes effect on the date of registration.”.>

Section 31

Roseanna Cunningham

9 In section 31, page 28, line 25, at end insert—

<() At the beginning of subsection (3) insert “Subject to subsection (5B),”.>

Roseanna Cunningham

10 In section 31, page 28, line 34, at end insert—

<(5B) Where the application is an application for consent to divide a croft under section 9 made by an executor under section 10(4A)—

- (a) subsections (3) to (5A);
- (b) in subsection (6), the words “When those 28 days have elapsed”;
- (c) in subsection (12A), paragraph (b); and
- (d) subsections (16) and (17),

do not apply.>

Roseanna Cunningham

- 11 In section 31, page 28, line 36, after <must> insert <, subject to subsection (6A),>

Roseanna Cunningham

- 12 In section 31, page 29, line 3, at end insert—

<() After subsection (6) insert—

“(6A) Where—

- (a) the application for consent to divide the croft is made by an executor under section 10(4A); and
- (b) it relates to a bequest of the tenancy of the part of the croft comprising the site of the dwelling-house on or pertaining to the croft to one natural person and the tenancy of the remaining part to one other such person,

the Commission must grant the application (whether or not subject to conditions).”>

Roseanna Cunningham

- 13 In section 31, page 29, line 9, leave out <16> and insert <32>

Roseanna Cunningham

- 14 In section 31, page 29, line 11, leave out <5(7)> and insert <5C(4)>

Roseanna Cunningham

- 15 In section 31, page 30, line 19, leave out <Subsections> and insert <Subject to subsection (5), subsections>

Roseanna Cunningham

- 16 In section 31, page 30, line 21, at end insert—

<(5) Where the original applicant is an executor who applied under section 10(4A) for consent to divide a croft under section 9, subsections (3) to (5A), (16) and (17) do not apply.>

After section 31

Roseanna Cunningham

17 After section 31, insert—

<Succession to crofts

Bequest of crofts

- (1) Section 10 of the 1993 Act (bequest of croft) is amended as follows.
- (2) In subsection (1), for the words from “bequeath” to the end substitute—
 - “(a) bequeath the tenancy of the whole of the crofter’s croft to any one natural person; or
 - (b) bequeath the tenancy of that croft to two or more natural persons provided that—
 - (i) each person would come into the place of the crofter in relation to the tenancy of part of the croft; and
 - (ii) no part of the croft would, were all the bequests accepted, be untenanted.”.
- (3) For subsection (2) substitute—
 - “(2) A person to whom the tenancy of a croft (or of part of a croft) is bequeathed (in this section, the “legatee”) must, if the legatee accepts the bequest—
 - (a) give notice of the bequest to the landlord; and
 - (b) send a copy of the notice to the Commission,before the end of the period of 12 months beginning with the death of the crofter.”.
- (4) For subsections (2B) to (4D) substitute—
 - “(3) The bequest is null and void if—
 - (a) in the case of a bequest such as is mentioned in subsection (1)(a), no notice is given (and no copy sent) in accordance with subsection (2) or (2A);
 - (b) in the case of a bequest such as is mentioned in subsection (1)(b), any legatee fails to give notice (and send a copy) in accordance with subsection (2) or (2A).
 - (4) Where, in the case of a bequest as is mentioned in subsection (1)(a), notice is given (and a copy sent) in accordance with subsection (2) or (2A), the legatee comes into the place of the deceased crofter (as from the date of death of that crofter) on the relevant date of registration.
 - (4A) Where—
 - (a) a crofter bequeaths the tenancy of a croft as mentioned in subsection (1)(b); and
 - (b) each legatee gives notice (and sends a copy) in accordance with subsection (2) or (2A),

the deceased crofter's executor must apply to the Commission for consent under section 9 to divide the croft accordingly.

- (4B) Where the Commission give their consent to the division of the croft under section 9, each legatee comes into the place of the deceased crofter in relation to that legatee's new croft (as from the date of death of that crofter) on the relevant date.
- (4C) The bequest is null and void if—
- (a) the Commission do not give their consent to the division of the croft under section 9; or
 - (b) such consent is given but an application for registration of the division is not made in accordance with subsection (3)(a) of that section.”.
- (5) In subsection (4E)—
- (a) at the beginning insert “Subject to subsection (4EA),”; and
 - (b) for “(2B), (4A) or, as the case may be, (4D)” substitute “(4) or, as the case may be, (4B)”.
- (6) After that subsection insert—
- “(4EA)Where, as a result of the Commission giving their consent to the division of the croft under section 9, two or more legatees come into the place of the deceased crofter, those legatees are jointly and severally liable for—
- (a) the debts mentioned in subsection (4E)(a); and
 - (b) any expenses mentioned in subsection (4E)(b).”.
- (7) After subsection (6) insert—
- “(7) In subsection (4), the “relevant date of registration” is—
- (a) where the croft was unregistered, the date of registration in relation to the application for registration of the croft by virtue of section 4(3)(e) of the 2010 Act;
 - (b) where the croft was registered, the date of registration in relation to the application for registration of the notice by virtue of section 5(2)(e) of that Act.
- (8) In subsection (4B)—
- “legatee's new croft” means the new croft, formed by division under section 9, which corresponds to the part of the original croft bequeathed to the legatee (“division”, “new croft” and “original croft” being construed in accordance with section 9(6));
- “relevant date” means—
- (a) where the croft was unregistered, the date the Keeper of the Registers of Scotland receives notification of the Commission's consent to divide the croft by virtue of section 9(3D) of the 2010 Act;
 - (b) where the croft was registered, the date of registration in relation to the application for registration of the division by virtue of section 5(2)(d)(i) of that Act.”.>

Roseanna Cunningham

18 After section 31, insert—

<Appeals

Appeals: procedure

- (1) In the 1993 Act—
 - (a) in section 25(8) (provisions supplementary to section 24(3)), the words “by way of stated case” are repealed;
 - (b) in section 38A(1) (appeal to Land Court: special provision as respects reorganisation schemes), the words “by way of stated case” are repealed;
 - (c) in section 52A(2)(a) (appeal to the Land Court: general), the words “by way of stated case,” are repealed.
- (2) In section 52A of that Act (appeal to the Land Court: general), after subsection (4) insert—

“(4A) The Commission may be a party to any appeal to the Land Court under this Act or in any proceedings on a question coming before that Court on an application under section 53(1) of this Act.”.>

Section 20

Roseanna Cunningham

19 In section 20, page 15, line 3, leave out <16> and insert <32>

Roseanna Cunningham

20 In section 20, page 15, line 11, leave out <5(7)> and insert <5C(4)>

Roseanna Cunningham

21 In section 20, page 15, line 13, after <such> insert <purposeful>

Roseanna Cunningham

22 In section 20, page 15, leave out lines 30 to 32

Roseanna Cunningham

23 In section 20, page 15, line 35, at end insert—

<5C Crofters: duty to cultivate and maintain

- (1) A crofter must comply with each of the duties set out in subsection (2).
- (2) Those duties are that the crofter—
 - (a) must—
 - (i) cultivate the croft; or
 - (ii) put it to another purposeful use,so that every part of the croft is cultivated or put to such use;

- (b) must keep the croft in a fit state for cultivation (except in so far as the use of the croft for another purposeful use is incompatible with the croft being kept in such a state).
- (3) Without prejudice to the generality of paragraph (b) of subsection (2), in determining whether that paragraph is complied with regard is to be had to whether appropriate measures (which may include the provision of drainage) are routinely undertaken, where requisite and practicable, to control or eradicate vermin, bracken, whins, broom, rushes, iris and harmful weeds.
- (4) A crofter may only put the croft to a use mentioned in subsection (2)(a)(ii) if—
 - (a) the landlord has consented to the use (unconditionally or subject to conditions acceptable to the crofter); or
 - (b) the Commission have consented to the use.
- (5) But a crofter may not apply to the Commission for consent under subsection (4)(b) until (the earlier of)—
 - (a) the landlord has refused consent (or granted consent subject to conditions unacceptable to the crofter); or
 - (b) the period of 28 days, commencing with the date on which the request for the consent of the landlord was made, has expired.
- (6) The Commission must, on receipt of such an application for consent—
 - (a) consult, as regards the proposed purposeful use, the landlord and the members of the crofting community in the locality of the land; and
 - (b) if the proposed purposeful use—
 - (i) constitutes a change for which planning permission is required; or
 - (ii) by virtue of any enactment (other than this Act) requires any other permission or approval,
 require it to be shown that the permission or approval has been given.
- (7) The Commission must decide the application within 28 days after receiving it; and if they give their consent may impose such conditions as they think fit.
- (8) In this Act—
 - “cultivate” includes the use of a croft for horticulture or for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, the growing of fruit, vegetables and the like and the planting of trees and use of the land as woodlands;
 - “purposeful use” means any planned and managed use which does not adversely affect—
 - (a) the croft;
 - (b) the public interest;
 - (c) the interests of the landlord or (if different) the owner; or
 - (d) the use of adjacent land.”.>

Section 21

Roseanna Cunningham

- 24 In section 21, page 16, line 20, leave out <16> and insert <32>

Roseanna Cunningham

- 25 In section 21, page 17, line 5, at end insert—

<() Without prejudice to the generality of paragraph (d) of subsection (2), in determining whether that paragraph is complied with regard is to be had to whether appropriate measures (which may include the provision of drainage) are routinely undertaken, where requisite and practicable, to control or eradicate vermin, bracken, whins, broom, rushes, iris and harmful weeds.>

Roseanna Cunningham

- 26 In section 21, page 17, leave out lines 19 to 21

Section 22

Roseanna Cunningham

- 27 In section 22, page 18, line 11, leave out <16> and insert <32>

Roseanna Cunningham

- 28 In section 22, page 18, line 16, leave out <16> and insert <32>

Section 23

Roseanna Cunningham

- 29 In section 23, page 19, leave out lines 10 and 11 and insert <any of the duties mentioned in section 5AA, 5B or 5C;>

Roseanna Cunningham

- 30 In section 23, page 19, leave out lines 13 and 14 and insert <any of the duties mentioned in section 19C(2).>

Roseanna Cunningham

- 31 In section 23, page 19, leave out lines 16 to 19

Roseanna Cunningham

- 32 In section 23, page 20, line 4, leave out <one or more of the undertakings mentioned in section 26D> and insert <an undertaking to comply with the duty before the expiry of such period as the Commission consider reasonable>

Roseanna Cunningham

33 In section 23, page 20, leave out lines 21 to 32

Roseanna Cunningham

34 In section 23, page 23, leave out lines 6 to 13 and insert—

- <(2) No more than three proposals for letting the croft may be submitted in response to a direction given under subsection (1).
- (2A) Where a proposal for letting the croft is submitted to the Commission in response to a direction given under subsection (1), they must approve or reject the proposal within the period of 8 weeks beginning with the day on which the direction was given.
- (2B) The Commission must (as soon as is reasonably practicable) proceed in accordance with subsections (3) and (4) if—
 - (a) no proposals for letting the croft are submitted by the owner-occupier crofter before the expiry of the period mentioned in subsection (1);
 - (b) the owner-occupier crofter has submitted one or two proposals for letting the croft within the period mentioned in subsection (1) and—
 - (i) all such proposals are rejected by the Commission; and
 - (ii) the period mentioned in subsection (1) has expired; or
 - (c) the owner-occupier crofter has submitted three proposals for letting the croft (within the period mentioned in subsection (1)) and the Commission has rejected all three.>

Roseanna Cunningham

35 In section 23, page 23, line 35, leave out <is to be made by way of stated case and>

Roseanna Cunningham

36 In section 23, page 23, line 36, leave out <21> and insert <42>

Before section 32

Karen Gillon

73 Before section 32, insert—

<Duty to report to the Scottish Parliament

- (1) The Scottish Ministers must lay before the Scottish Parliament, once every four years, a report on—
 - (a) the economic condition of crofting; and
 - (b) the measures taken to support crofting by—
 - (i) the Scottish Government; and
 - (ii) the Commission,during the reporting period.

- (2) The first such report must be laid before the Scottish Parliament within one year of this section coming into force.>

Liam McArthur

74 Before section 32, insert—

<Presumption against development of certain croft land

- (1) The Scottish Ministers must, within 12 months 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 requiring any application for planning permission in relation to such land to demonstrate—
 - (i) that the development is for an essential purpose or to meet an established need where no other site is available; or
 - (ii) why the development or use of land proposed in the application 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.>

Schedule 2

Roseanna Cunningham

37 In schedule 2, page 42, leave out lines 12 to 22 and insert—

<() in subsection (2A)—

- (i) paragraph (a) and the word “and” immediately following it are repealed; and
- (ii) in paragraph (b), for the words from “other” to “subsection)”, substitute “lease (other than the lease of a croft within the meaning of section 3(1) of the Crofters (Scotland) Act 1993 (c.44))”;

() in subsection (3)(b)—

- (i) at the beginning insert “subject to subsection (3A)”; and
- (ii) sub-paragraph (ib) is repealed; and

() after subsection (3) insert—

“(3A) In the case of an interest in an agricultural lease which is a lease of a croft within the meaning of section 3(1) of the Crofters (Scotland) Act 1993 (c.44), the period for the purposes of subsection (3)(b) is 24 months.”>

Peter Peacock

75 In schedule 2, page 42, leave out line 32

Roseanna Cunningham

- 38 In schedule 2, page 42, line 36, at end insert—
<() In section 5 (the statutory conditions), subsections (1A), (2A), (2B) and (7) to (10) are repealed.>

Roseanna Cunningham

- 39 In schedule 2, page 43, leave out lines 10 to 18

Roseanna Cunningham

- 40 In schedule 2, page 43, line 19, at end insert—
<() In section 21A (reversion of resumed land), subsection (3) is repealed.>

Roseanna Cunningham

- 41 In schedule 2, page 44, line 5, leave out <the duty mentioned in section 5B(1)> and insert <any duty mentioned in section 5B or 5C>

Roseanna Cunningham

- 42 In schedule 2, page 44, line 7, at end insert—
<() In section 30 (compensation to crofter for improvements)—
(a) in subsection (6A)(a), for “paragraph 3(b) of Schedule 2 to” substitute “section 5C(2)(a)(ii) of”; and
(b) in subsection (6B), for “5(7)(a)” substitute “5C(4)(a)”.>

Roseanna Cunningham

- 43 In schedule 2, page 44, line 7, at end insert—
<() In section 31(1)(a) (permanent improvements made on crofts for purposes of subsidiary or auxiliary occupations), for “paragraph 3 of Schedule 2 to” substitute “section 5C(2)(a)(ii) of”.>

Roseanna Cunningham

- 44 In schedule 2, page 44, line 20, leave out <, the following are repealed>

Roseanna Cunningham

- 45 In schedule 2, page 44, line 21, leave out <(5)(a)> and insert <(5) is repealed>

Roseanna Cunningham

- 46 In schedule 2, page 44, line 21, at end insert—
<() in subsection (6), the words “10(4B),” are repealed;>

Roseanna Cunningham

- 47 In schedule 2, page 44, line 22, after <(7)> insert <is repealed>

Peter Peacock

- 76 In schedule 2, page 44, line 36, leave out <paragraph> and insert <paragraphs 2(3) and>

Roseanna Cunningham

- 48 In schedule 2, page 45, line 13, at end insert—
<() after the definition of “croft land” insert—
““cultivate” has the meaning given by section 5C(8);”;>

Roseanna Cunningham

- 49 In schedule 2, page 45, line 29, at end insert—
<() after the definition of “public notification” insert—
““purposeful use” has the meaning given by section 5C(8);
“registered”, in relation to a croft, an owner-occupied croft or a common grazing, means registered in the Crofting Register; and “unregistered” and other cognate expressions are to be construed accordingly;”;>

Roseanna Cunningham

- 50 In schedule 2, page 45, line 33, at end insert—
<() In Schedule 2 (the statutory conditions)—
(a) paragraphs 3, 3A and 3B are repealed;
(b) in paragraph 13, the definitions of “cultivate” and “purposeful use” are repealed.>

Elaine Murray

- 77 In schedule 2, page 45, line 33, at end insert—
<*Town and Country Planning (Scotland) Act 1997*
In section 38 of the Town and Country Planning (Scotland) Act 1997 (c.8) (consultations in connection with determination of applications) after subsection (3) insert—
“(3A) A planning authority must notify the Crofting Commission of any application for planning permission made to the authority if the authority considers that—
(a) the development or use of land proposed in the application may affect land in crofting use or within a crofting community, and
(b) the development or use of land proposed in the application may not comply with the policies and proposals for the development and use of land set out in the local development plan for the authority’s area
(3B) The planning authority may not determine an application of the type mentioned in subsection (3A) until the Crofting Commission—
(a) submit their views on the application to the authority, or
(b) notify the authority that they do not intend to submit any such views.

(3C) The planning authority must, in determining an application of the type mentioned in subsection (3A), take into account any views submitted by the Crofting Commission under subsection (3B)(a).”.>

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