

# Crofting Reform (Scotland) Bill

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## 2nd 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 and 37
Long Title	

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

### Before section 3

**Peter Peacock**

**227** Before section 3, insert—

#### <Compilation of community maps and plans

- (1) The Commission may, upon a reasonable request to do so, provide assistance, directly or in association with others, to a crofting community to compile a community map and plan.
- (2) Such assistance as the Commission may provide and what they consider to be a crofting community for this purpose may be set out in the Commission's plan, to be prepared under section 2C of the 1993 Act.
- (3) The Commission may make arrangements to hold and maintain such a community map and plan for the purpose of supporting the effective discharge of the Commission's functions.
- (4) A community map and plan may contain the following information about the land that the crofting community occupies—
  - (a) its ownership;
  - (b) its features and physical assets;
  - (c) its boundaries, and—
    - (i) the name, location and boundaries of each croft;
    - (ii) the name of the tenant and landlord of each croft; and
    - (iii) the location and boundaries of each common grazings, within those boundaries;
  - (d) the use to which croft land is put.
- (5) A community map and plan may also contain information about—
  - (a) the extent to which it appears to the crofting community that—

- (i) any crofter is absent;
- (ii) any croft is neglected or misused;
- (b) any other relevant matters of concern to the crofting community.>

### Section 3

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

- 228 Leave out section 3

### Section 4

**Roseanna Cunningham**

- 89 In section 4, page 4, line 11, at end insert—

<(aa) in the case of an owner-occupied croft—

- (i) subject to subsection (4C), on the transfer (whether or not for valuable consideration) of the ownership of the croft;
- (ii) on the taking, in relation to the croft, of any step mentioned in subsection (3) (or, in the case of a step mentioned in paragraph (m) of that subsection, in accordance with that paragraph);>

**Peter Peacock**  
**Supported by: John Scott**

- 229 In section 4, page 4, leave out lines 13 and 14

**Roseanna Cunningham**

- 90 In section 4, page 4, line 13, at beginning insert <subject to subsection (4C),>

**Roseanna Cunningham**

- 91 In section 4, page 4, line 16, at end insert <(or, in the case of a step mentioned in paragraph (m) of that subsection, in accordance with that paragraph)>

**Roseanna Cunningham**

- 92 In section 4, page 4, line 17, leave out from <if> to the end of line 18 and insert <by a person mentioned in subsection (2A)>

**Roseanna Cunningham**

- 93 In section 4, page 4, line 18, at end insert—

<(2A) The persons are—

- (a) the owner of the land on which the croft is situated;
- (b) the landlord;

- (c) the crofter;
- (d) where the croft is an owner-occupied croft, the owner-occupier crofter.>

**Roseanna Cunningham**

- 94 In section 4, page 4, line 19, leave out <(1)(b)(ii)> and insert <(1)(aa)(ii) and (b)(ii)>

**Roseanna Cunningham**

- 95 In section 4, page 4, leave out lines 29 and 30 and insert—  
<(e) in the case of a bequest of the croft such as is mentioned in subsection (1)(a) of section 10 of that Act, the giving of notice under subsection (2) of that section of the acceptance of the bequest of that croft;>

**Roseanna Cunningham**

- 96 In section 4, page 4, line 31, leave out from <making> to <under> in line 32 and insert <giving of notice under section 11(1) of that Act in respect of the transfer of the tenancy of the croft in pursuance of>

**Roseanna Cunningham**

- 97 In section 4, page 4, leave out lines 35 to 38

**Roseanna Cunningham**

- 98 In section 4, page 5, line 1, leave out <application> and insert <order>

**Roseanna Cunningham**

- 99 In section 4, page 5, line 4, after <croft> insert <or any part of the croft>

**Roseanna Cunningham**

- 100 In section 4, page 5, line 5, after <croft> insert <or any part of the croft>

**Roseanna Cunningham**

- 101 In section 4, page 5, line 5, at end insert <other than such a letting under a short lease (within the meaning of section 29A(2) of that Act)>

**Roseanna Cunningham**

- 78 In section 4, page 5, line 5, at end insert—  
<(ia) the re-letting of the croft in accordance with proposals submitted under section 23(5) of that Act;  
(ib) the letting of the croft pursuant to a determination under section 23(5C) of that Act;>

**Roseanna Cunningham**

- 79 In section 4, page 5, line 9, at end insert—

<(k) the division of the croft, or owner-occupied croft, under section 26G of that Act;>

**Roseanna Cunningham**

80 In section 4, page 5, line 9, at end insert—

<(l) the letting of the croft—

- (i) in accordance with proposals submitted under section 26J(1) of that Act; or
- (ii) pursuant to a decision under section 26J(4) of that Act;>

**Roseanna Cunningham**

81 In section 4, page 5, line 9, at end insert—

<(m) the preparation, under section 38(8)(a) of that Act, of a reorganisation scheme which includes provision—

- (i) forming the croft;
- (ii) making any change to, or in relation to, the croft;

and in such a case, the croft may not be registered until the condition mentioned in paragraph (a) or (b) of section 39(1) (whichever first occurs) is satisfied in relation to the scheme;>

**Roseanna Cunningham**

82 In section 4, page 5, line 9, at end insert—

<(n) the making of an application by the crofter of the croft for a part of a common grazing to be apportioned under section 52(4) of that Act.>

**John Scott**

230 In section 4, page 5, line 14, at end insert <provided that the transfer (whether or not for valuable consideration) of the ownership of any land on which the croft is situated must not be added as a step in that subsection, except in the case of an owner-occupied croft.>

**Roseanna Cunningham**

102 In section 4, page 5, line 14, at end insert—

<(4A) Where the Scottish Ministers exercise the power in subsection (4), they may by order modify Table 1 in schedule (*Persons responsible for applications for registration*) so as to—

- (a) add a step to column 1 of that table;
- (b) modify the description of any step mentioned in that column;
- (c) remove a step from that column;
- (d) add a person to column 2 of that table;
- (e) modify the description of any person mentioned in that column;
- (f) remove a person from that column.>

**Roseanna Cunningham**

**103** In section 4, page 5, line 14, at end insert—

<(4B) The Scottish Ministers may, by regulations, make provision about when ownership is to be treated as transferred for the purposes of subsection (1)(aa)(i) or (b)(i).>

**Roseanna Cunningham**

**104** In section 4, page 5, line 14, at end insert—

<(4C) A person who, but for this subsection, would be required to register a croft by virtue of subsection (1)(aa)(i) or (b)(i), need not register the croft if a step mentioned in subsection (3) is taken in relation to the croft.>

**Roseanna Cunningham**

**105** In section 4, page 5, line 23, after <registration"> insert <(except in relation to a common grazing or land held runrig)>

**Peter Peacock**

**Supported by: Liam McArthur**

**231** Leave out section 4

**Section 5**

**Peter Peacock**

**Supported by: John Scott**

**232** In section 5, page 5, line 28, leave out from beginning to <(1)(b)> in line 32 and insert—

<(1) The taking of any step mentioned in subsection (2) in relation to a registered croft must be registered.

(2) The steps referred to in subsection (1)>

**Roseanna Cunningham**

**106** In section 5, page 5, line 28, at end insert—

<(za) in the case of an owner-occupied croft—

(i) the transfer (whether or not for valuable consideration) of ownership of the croft;

(ii) the taking, in relation to the croft, of any step mentioned in subsection (2);

(zb) in any other case—>

**Roseanna Cunningham**

**107** In section 5, page 5, line 30, at end insert—

<(ii) a change of landlord of the croft;>

**Roseanna Cunningham**

83 In section 5, page 5, line 31, at end insert—

<(1A) But subsection (1) does not apply to a croft—

(a) which was registered as a result of the taking of a step mentioned in subsection (3) of section 4 (other than a step mentioned in paragraph (e), (f), (h), (ia), (ib), (k), (l) or (m) of that subsection); and

(b) in respect of which a step mentioned in subsection (2) constitutes a change affecting the croft which requires to be notified to the Keeper under section 9;

and such a croft is referred to in this Act as a “first registered croft”.>

**Roseanna Cunningham**

108 In section 5, page 5, line 32, leave out <(1)(b)> and insert <(1)(za)(ii) and (zb)(iii)>

**Roseanna Cunningham**

109 In section 5, page 6, leave out lines 2 and 3 and insert—

<(e) in the case of a bequest of the croft such as is mentioned in subsection (1)(a) of section 10 of that Act, the giving of notice under subsection (2) of that section of the acceptance of the bequest of that croft;>

**Roseanna Cunningham**

110 In section 5, page 6, line 8, after <under> insert <section>

**Roseanna Cunningham**

111 In section 5, page 6, leave out lines 14 to 16 and insert—

<(k) the letting (or, as the case may be, re-letting) of the croft—

(i) (or part of the croft) under section 23(3) of that Act;

(ii) in accordance with proposals submitted under section 23(5) of that Act;

(iii) pursuant to a determination under section 23(5C) of that Act;

(iv) (or part of the croft) under section 29A(1) of that Act other than such a letting under a short lease (within the meaning of section 29A(2) of that Act);>

**Roseanna Cunningham**

112 In section 5, page 6, line 18, at end insert—

<(m) the division of the croft, or owner-occupied croft, under section 26G of that Act;>

**Roseanna Cunningham**

113 In section 5, page 6, line 18, at end insert—

<(n) the letting of the croft—

(i) in accordance with proposals submitted under section 26J(1) of that Act;

- (ii) pursuant to a decision under section 26J(4) of that Act;>

**Roseanna Cunningham**

114 In section 5, page 6, line 18, at end insert—

- <(o) the making of a change to, or in relation to, the croft by virtue of a provision of a reorganisation scheme prepared under section 38(8)(a) of that Act;>

**Roseanna Cunningham**

115 In section 5, page 6, line 18, at end insert—

- <(p) the apportionment of a part of a common grazing to the crofter of the croft under section 52(4) of that Act;>

**Roseanna Cunningham**

116 In section 5, page 6, line 18, at end insert—

- <(q) the bringing to an end, under subsection (12) of section 52 of that Act, of an apportionment of a part of a common grazing to the crofter of the croft under subsection (4) of that section.>

**John Scott**

233 In section 5, page 6, line 23, at end insert <provided that the transfer (whether or not for valuable consideration) of the ownership of any land on which the croft is situated must not be added as a step in that subsection, except in the case of an owner-occupied croft.>

**Roseanna Cunningham**

117 In section 5, page 6, line 23, at end insert—

- <( ) Where the Scottish Ministers exercise the power in subsection (3), they may by order modify Table 2 in schedule (*Persons responsible for applications for registration*) so as to—
- (a) add a step to column 1 of that table;
  - (b) modify the description of any step mentioned in that column;
  - (c) remove a step from that column;
  - (d) add a person to column 2 of that table;
  - (e) modify the description of any person mentioned in that column;
  - (f) remove a person from that column.>

**Roseanna Cunningham**

118 In section 5, page 6, line 23, at end insert—

- <( ) The Scottish Ministers may, by regulations, make provision about when ownership is to be treated as transferred for the purposes of subsection (1)(a).>

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

**234** Leave out section 5

#### **After section 5**

**Roseanna Cunningham**

**119** After section 5, insert—

##### **<Persons responsible for applications for registration**

- (1) An application for first registration of a croft is to be submitted—
  - (a) in the case of a transfer of ownership of a owner-occupied croft such as is mentioned in section 4(1)(aa)(i), by the person to whom such ownership is transferred;
  - (b) in the case of a transfer of ownership of land such as is mentioned in section 4(1)(b)(i), by the person to whom such ownership is transferred;
  - (c) in the case of a step mentioned in section 4(3), by the person mentioned in the entry in column 2 of Table 1 in schedule (*Persons responsible for applications for registration*) which corresponds to the entry relating to that step in column 1 of that table.
- (2) An application for registration of an event in relation to a registered croft is to be submitted—
  - (a) in the case of a transfer of ownership of a owner-occupied croft such as is mentioned in section 5(1)(za)(i), by the person to whom such ownership is transferred;
  - (b) in the case of a transfer of ownership of land such as is mentioned in section 5(1)(zb)(i), by the person to whom such ownership is transferred;
  - (c) in the case of a change of landlord of the croft, by the person who is the new landlord;
  - (d) in the case of a step mentioned in section 5(2), by the person mentioned in the entry in column 2 of Table 2 in schedule (*Persons responsible for applications for registration*) which corresponds to the entry relating to that step in column 1 of that table.>

#### **After schedule 1**

**Roseanna Cunningham**

**120** After schedule 1, insert—

<SCHEDULE

*(introduced by section (Persons responsible for applications for registration))*

PERSONS RESPONSIBLE FOR APPLICATIONS FOR REGISTRATION

TABLE 1

First registration

<b>Step</b>	<b>Person</b>
The making of an application as mentioned in section 4(3)(a)	The crofter making the application
The making of an application as mentioned in section 4(3)(b)	The crofter who is the tenant of the croft at the time the application is made
The making of an application as mentioned in section 4(3)(c)	The crofter making the application
The making of an application as mentioned in section 4(3)(d)(i)	Where— (a) the application is made by a crofter, the crofter; (b) the application is made by an executor under section 10(4A) of that Act, the executor
The making of an application as mentioned in section 4(3)(d)(ii)	The owner-occupier crofter making the application
The giving of a notice as mentioned in section 4(3)(e)	The person who gave notice in accordance with subsection (2) or (2A) of section 10 of the 1993 Act
The giving of a notice as mentioned in section 4(3)(f)	The person by whom the tenancy of the croft is transferred
The making of an application as mentioned in section 4(3)(g)	The landlord making the application
The making of an order as mentioned in section 4(3)(h)	The relevant person (within the meaning of section 21A(6) of the 1993 Act) who applied for the order
The making of an application as mentioned in section 4(3)(i)(i)	The landlord making the application
The making of an application as mentioned in section 4(3)(i)(ii)	The owner-occupier crofter making the application
The re-letting of a croft as mentioned in section 4(3)(ia)	The person to whom the croft is re-let
The letting of a croft as mentioned in section 4(3)(ib)	The person to whom the croft is let
The making of an application as mentioned in section 4(3)(j)(i)	The landlord making the application

The making of an application as mentioned in section 4(3)(j)(ii)	The landlord making the application
The making of an application as mentioned in section 4(3)(j)(iii)	The crofter making the application
The division of a croft as mentioned in section 4(3)(k)	The Commission
The letting of a croft as mentioned in section 4(3)(l)	The person to whom the croft is let
The preparation of a reorganisation scheme as mentioned in section 4(3)(m)	The Commission
The making of an application as mentioned in section 4(3)(n)	The crofter making the application

TABLE 2  
Registration of registered crofts

<b>Step</b>	<b>Person</b>
The enlargement of a croft as mentioned in section 5(2)(a)	The crofter who applied for the direction enlarging the croft under section 4(3) of the 1993 Act
The exchange of a croft as mentioned in section 5(2)(b)	The exchanging crofters jointly
The assignation of a croft as mentioned in section 5(2)(c)	The person to whom the croft is assigned
The division of a croft as mentioned in section 5(2)(d)(i)	Where— <ul style="list-style-type: none"> <li>(a) the application for division was made by a crofter, the crofter;</li> <li>(b) that application was made by an executor under section 10(4A) of that Act, the executor</li> </ul>
The division of a croft as mentioned in section 5(2)(d)(ii)	The owner-occupier crofter who applied for the division
The giving of a notice as mentioned in section 5(2)(e)	The person who gave notice in accordance with subsection (2) or (2A) of section 10 of the 1993 Act
The transfer of a crofter's interest in a lease of a croft as mentioned in section 5(2)(f)	The executor who gave notice under section 11(2) of that Act
The giving of authorisation as mentioned in section 5(2)(g)	The landlord who applied for that authorisation
The granting of an extension of the period for which resumption of a croft is	The landlord who applied under section 20(1C) of that Act for that extension

authorised as mentioned in section 5(2)(h)	
The making of a determination as mentioned in section 5(2)(i)	The landlord who applied for that determination
The making of an order as mentioned in section 5(2)(j)	The person who applied for that order
The letting of the croft as mentioned in section 5(2)(k)(i)	The landlord who applied for approval to the letting
The re-letting of the croft as mentioned in section 5(2)(k)(ii)	The landlord whose proposals for re-letting were approved under section 23(5ZA) of that Act
The letting of the croft as mentioned in section 5(2)(k)(iii)	The person to whom the croft is let
The letting of the croft as mentioned in section 5(2)(k)(iv)	The person to whom the croft is let
The making of a direction as mentioned in section 5(2)(l)	The landlord who applied for the direction
The division of a croft as mentioned in section 5(2)(m)	The Commission
The letting of a croft as mentioned in section 5(2)(n)	The person to whom the croft is let
The preparation of a reorganisation scheme as mentioned in section 5(2)(o)	The Commission
The apportionment of a part of a common grazing as mentioned in section 5(2)(p)	The crofter who applied for the apportionment
The bringing to an end of an apportionment as mentioned in section 5(2)(q)	The person who applied under section 52(12) of that Act

## Section 6

### **Roseanna Cunningham**

- 121** In section 6, page 6, line 25, at the beginning insert <Subject to subsection (7A),>

### **Roseanna Cunningham**

- 122** In section 6, page 6, leave out lines 30 to 33

### **Peter Peacock**

- 235** In section 6, page 6, leave out lines 30 and 31

**Roseanna Cunningham**

- 123 In section 6, page 6, line 34, leave out subsection (3)

**Peter Peacock**

- 236 In section 6, page 6, leave out lines 36 and 37

**Roseanna Cunningham**

- 124 In section 6, page 6, line 40, at end insert <, as soon as reasonably practicable after receiving an application for registration>

**Roseanna Cunningham**

- 125 In section 6, page 7, line 1, at the beginning insert <in the case of an application for first registration (other than of a new croft or other than as a result of the taking of the step mentioned in section 4(3)(m)),>

**Roseanna Cunningham**

- 126 In section 6, page 7, line 11, at end insert—  
<( ) the application is frivolous or vexatious;>

**Roseanna Cunningham**

- 127 In section 6, page 7, line 12, at end insert—  
<(ba) there is a material inaccuracy in the application;>

**Roseanna Cunningham**

- 128 In section 6, page 7, line 13, leave out <be likely not to> and insert <not>

**Roseanna Cunningham**

- 129 In section 6, page 7, line 17, at end insert—  
<(7A) Subsections (1) and (4) to (7) do not apply to an application for registration by the Commission (a “Commission application”); and the reference in section 7(1) to an application for registration forwarded under subsection (4)(b) of this section is, in relation to a Commission application, to be construed as a reference to the Commission application submitted to the Keeper.>

**Roseanna Cunningham**

- 130 In section 6, page 7, line 18, leave out subsection (8)

**Roseanna Cunningham**

- 131 In section 6, page 7, line 19, at end insert—  
<( ) In subsection (5)(ba), “material inaccuracy” means an inaccuracy relating to any matter mentioned in section 10(2).>

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

237 Leave out section 6

## Section 7

**Roseanna Cunningham**

132 In section 7, page 7, line 24, leave out <need> and insert <must>

**Roseanna Cunningham**

133 In section 7, page 7, line 27, at end insert—

<( ) the information otherwise contained in or accompanying it would not enable the Keeper to make up or, as the case may be, amend the registration schedule of the croft;>

**Roseanna Cunningham**

134 In section 7, page 7, leave out line 28

**Roseanna Cunningham**

135 In section 7, page 7, line 30, leave out <title sheet> and insert <registration schedule>

**Roseanna Cunningham**

136 In section 7, page 7, line 31, at end insert—

<(2A) But the Keeper may accept an application for registration despite the fact that the description of the croft includes land which is already entered in the registration schedule of—

- (a) another croft;
- (b) a common grazing; or
- (c) land held runrig,

as part of the description of the land which comprises that other croft, that common grazing or, as the case may be, that land held runrig.>

**Roseanna Cunningham**

137 In section 7, page 7, line 35, after <croft> insert <or other than as a result of the taking of the step mentioned in section 4(3)(m)>

**Roseanna Cunningham**

138 In section 7, page 7, line 38, leave out from <; or> to end of line 4 on page 8

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

238 Leave out section 7

## Section 8

### Roseanna Cunningham

- 139 In section 8, page 8, line 12, leave out <title sheet> and insert <registration schedule>

### Roseanna Cunningham

- 140 In section 8, page 8, line 15, leave out <title sheet> and insert <registration schedule>

### Roseanna Cunningham

- 141 In section 8, page 8, line 21, after <croft> insert <or other than as a result of the taking of the step mentioned in section 4(3)(m)>

### Roseanna Cunningham

- 142 In section 8, page 8, line 23, at end insert—

<(2A) Where, by virtue of being the applicant, the Commission receive a certificate under subsection (2), they must send a copy of the certificate to the crofter of the croft to which the certificate relates.>

### Roseanna Cunningham

- 143 In section 8, page 8, line 24, after <croft> insert <or other than as a result of the taking of the step mentioned in section 4(3)(k) or (m)>

### Peter Peacock

**Supported by: Liam McArthur**

- 239 Leave out section 8

## Section 9

### Roseanna Cunningham

- 144 In section 9, page 8, line 30, after <croft> insert <or other than as a result of the taking of the step mentioned in section 4(3)(m)>

### Roseanna Cunningham

- 145 In section 9, page 8, line 37, leave out <title sheet of croft> and insert <registration schedule of the croft>

### Roseanna Cunningham

- 84 In section 9, page 9, line 3, leave out <section 4(3)> and insert <subsection (3) of section 4 (other than a step mentioned in paragraph (e), (f), (h), (ia), (ib), (k), (l) or (m) of that subsection)>

### Roseanna Cunningham

- 85 In section 9, page 9, line 4, leave out from <before> to <8(2)> in line 5 and insert <in accordance with the provisions of this section>

**Roseanna Cunningham**

**146** In section 9, page 9, line 7, leave out <title sheet> and insert <registration schedule>

**Roseanna Cunningham**

**86** In section 9, page 9, line 7, at end insert—

- <(3A) The person taking the step mentioned in paragraph (a), (b), (c), (g), (i)(i), (i)(ii) or (n) of subsection (3) of section 4 must, within 3 months of the granting of the application mentioned in the step, notify the Commission that a change such as is mentioned in subsection (3) has taken effect.
- (3B) Where the Commission is not notified of a change in accordance with subsection (3A), the change is (notwithstanding any provision to the contrary) deemed not to have taken effect.
- (3C) As soon as reasonably practicable after being notified under subsection (3A), the Commission must notify the Keeper accordingly.
- (3D) Where a change such as is mentioned in subsection (3) is a result of the taking of a step mentioned in paragraph (d)(i), (d)(ii), (j)(i), (j)(ii) or (j)(iii) of subsection (3) of section 4, the Commission must notify the Keeper of that change in accordance with subsection (3E).
- (3E) Notification under subsection (3D) must be given—
  - (a) in the case of the division of a croft under section 9 or 19D of the 1993 Act, as soon as reasonably practicable after the Commission consent to the division (such division taking effect only on receipt of the notification);
  - (b) in the case of the decrofting of a croft pursuant to a direction under section 24(2) or (3) of that Act, as soon as reasonably practicable after the direction is made (the decrofting taking effect only on receipt of the notification);
  - (c) in the case of the decrofting of a croft pursuant to a direction under section 24(3) of that Act resulting from an application under section 25(4) of that Act, as soon as reasonably practicable after the Commission are notified under section 25(4ZB)(a) of that Act of an acquisition.>

**Peter Peacock**

**Supported by: Liam McArthur**

**240** Leave out section 9

**Section 10**

**Roseanna Cunningham**

**147** In section 10, page 9, line 18, leave out <title sheet> and insert <registration schedule>

**Roseanna Cunningham**

**148** In section 10, page 9, line 20, leave out <title sheet> and insert <registration schedule>

**Roseanna Cunningham**

**149** In section 10, page 9, leave out line 29

**Roseanna Cunningham**

**150** In section 10, page 9, line 30, at end insert—

<(2A) Where the description of the land which comprises a croft (a “later croft”) would include land mentioned in subsection (2B) (“registered land”), the Keeper—

(a) may not include the registered land in the description of the later croft entered in the registration schedule of that croft;

(b) may enter a description of the land comprising the later croft which omits the registered land.

(2B) The land referred to in subsection (2A) is land which is already entered in the registration schedule of—

(a) another croft;

(b) a common grazing; or

(c) land held runrig,

as part of the description of the land which comprises that other croft, that common grazing or, as the case may be, that land held runrig.>

**Roseanna Cunningham**

**151** In section 10, page 9, line 32, leave out <title sheet> and insert <registration schedule>

**Roseanna Cunningham**

**152** In section 10, page 9, line 34, leave out <title sheet> and insert <registration schedule>

**Roseanna Cunningham**

**153** In section 10, page 9, line 34, at end insert—

<(5) The Scottish Ministers may, by order, modify subsection (2) so as to add to the matters mentioned there any other matters that they consider should be included in the registration schedule of a croft.>

**Peter Peacock**

**Supported by: Liam McArthur**

**241** Leave out section 10

**Section 11**

**Roseanna Cunningham**

**154** In section 11, page 10, line 4, leave out <8(3)> and insert <8(2) or, as the case may be, (3)>

**Roseanna Cunningham**

- 155 In section 11, page 10, line 7, at end insert <; or  
( ) where the certificate of registration issued under section 8(2) relates to a first registration as a result of the taking of the step mentioned in section 4(3)(m).>

**Roseanna Cunningham**

- 156 In section 11, page 10, line 16, at end insert—  
<(i) the owner of any adjacent land (not being land which is an adjacent croft);  
(j) the occupier of any adjacent land (not being land which is an adjacent croft).>

**Roseanna Cunningham**

- 157 In section 11, page 10, line 19, leave out <title sheet> and insert <registration schedule>

**Roseanna Cunningham**

- 158 In section 11, page 10, line 20, leave out <title sheet> and insert <registration schedule>

**John Scott**

- 242 In section 11, page 10, line 26, leave out <6> and insert <9>

**John Scott**

- 243\* In section 11, page 10, line 27, leave out from <receive> to end of line and insert <issue notification under subsection (1).>

**Roseanna Cunningham**

- 159 In section 11, page 10, line 27, after <receive> insert <the certificate of registration under section 8(2) or, as the case may be,>

**Roseanna Cunningham**

- 160 In section 11, page 10, line 29, after <croft> insert <or other than as a result of the taking of the step mentioned in section 4(3)(m)>

**Roseanna Cunningham**

- 161 In section 11, page 10, line 33, at end insert—  
<(6A) The applicant must take all reasonable steps to ensure that the notice mentioned in subsection (6)(b) continues to be displayed throughout the period mentioned in subsection (5).>

**Peter Peacock**

**Supported by: Liam McArthur**

- 244 Leave out section 11

## After section 11

**Roseanna Cunningham**

**162** After section 11, insert—

### <Power of entry etc. where Commission is applicant

- (1) The section applies where, by virtue of being the applicant for registration, the Commission are required to affix a notice in accordance with section 11(6)(b).
- (2) A person authorised by the Commission may enter the croft for the purposes of—
  - (a) affixing the notice;
  - (b) complying with section 11(6A); and
  - (c) removing the notice in accordance with subsection (3)(b).
- (3) The Commission must—
  - (a) when affixing the notice, take all reasonable care not to damage the croft or the part of the croft to which the notice is affixed; and
  - (b) remove the notice no later than one week after the end of the period mentioned in section 11(5).
- (4) Subsections (2) to (4) of section 56 of the 1993 Act apply for the purposes of subsection (2) as they apply for the purposes of subsection (1) of that section.>

## Section 12

**Roseanna Cunningham**

**163** In section 12, page 10, line 39, at end insert—

<( ) A person applying under subsection (1) must, as soon as reasonably practicable after doing so, notify the Keeper.>

**Roseanna Cunningham**

**164** In section 12, page 10, line 39, at end insert—

<( ) Where an application under subsection (1) is made after the end of the period mentioned in section 11(5), the Court may, on cause shown, deal with the application as if it had been made before the end of that period.>

**Roseanna Cunningham**

**165** In section 12, page 10, line 39, at end insert—

<( ) Subsection (1) does not apply as respects the registration of a croft as a result of the taking of a step mentioned in section 4(3)(m).>

**Roseanna Cunningham**

**166** In section 12, page 11, line 4, at end insert—

<(2A) Where subsection (2B) applies, the Court must, if making an order such as is mentioned in subsection (2)(b), declare the boundary of the croft to be that which, in all the circumstances, it considers appropriate.

(2B) This subsection applies where—

- (a) the application challenging the registration raises a question as to the boundaries of the croft; and
- (b) the evidence available to the Court is insufficient to enable any boundary to be clearly determined.>

**Roseanna Cunningham**

167 In section 12, page 11, line 5, leave out subsections (3) to (5)

**Roseanna Cunningham**

168 In section 12, page 11, line 20, leave out <title sheet> and insert <registration schedule>

**Peter Peacock**

**Supported by: Liam McArthur**

245 Leave out section 12

**After section 12**

**Roseanna Cunningham**

169 After section 12, insert—

**<Resumed and decrofted crofts**

(1) The Keeper must—

- (a) where subsection (2) applies, remove the entry in the register relating to the resumed croft;
- (b) where subsection (3) applies, remove the entry in the register relating to the croft in relation to which a decrofting direction has been made.

(2) This subsection applies where—

- (a) a registered croft has been resumed by virtue of an authorisation under section 20(1) of the 1993 Act;
- (b) no order has been made under section 21A(1) of that Act that the land so resumed revert to being a croft; and
- (c) the period of 20 years beginning with when the resumption was authorised has ended.

(3) This subsection applies where—

- (a) a decrofting direction under section 24(2) or, as the case may be, (3) of the 1993 Act was made in relation to a registered croft;
- (b) the Land Court has not revoked the direction by virtue of section 24(8B) of that Act or by virtue of any other enactment; and
- (c) the period of 20 years beginning with the making of direction has ended.

- (4) This section applies to a part of a croft as it applies to a whole croft with the modification that references in subsection (1) to removing entries in the register are to be read as references to modifying such entries.>

### **Section 13**

**Roseanna Cunningham**  
**Supported by: Peter Peacock**

- 170** Leave out section 13

### **Section 14**

**Roseanna Cunningham**

- 171** In section 14, page 11, line 28, leave out subsection (1) and insert—

<(1) The Keeper—

- (a) may rectify the register in accordance with subsections (1A) to (1C);
- (b) must rectify the register on being ordered to do so by any court.

(1A) Where a mistake in the register arises as a consequence of a mistake in an application for registration (not being a mistake to which subsection (1B) applies), the Keeper may rectify the register to correct the mistake on the application of the person who made that application (the “original applicant”).

(1B) Where a mistake in the register arises as a consequence of a mistake made by the Commission when forwarding an application for registration under section 6(4)(b), the Keeper may so rectify the register on the application of—

- (a) the Commission; or
- (b) the original applicant.

(1C) Where a mistake in the register arises as a consequence of a mistake by the Keeper when making up or amending a registration schedule or making consequential amendments to the register, the Keeper may so rectify the register whether on the application of any person to do so or not.

(1D) Without prejudice to any enactment or rule of law, the powers of the court include power to make orders for the purposes of subsection (1)(b).>

**Roseanna Cunningham**

- 172** In section 14, page 11, line 32, leave out <subsection (1)> and insert <this section>

**Roseanna Cunningham**

- 173** In section 14, page 12, line 1, at end insert—

<“mistake” includes something mistakenly omitted and something mistakenly included;>

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

**247** Leave out section 14

#### **After section 14**

**Roseanna Cunningham**

**174** After section 14, insert—

##### **<Rectification following first registration**

- (1) This section applies where, in the case of a first registration (other than of a new croft or other than as a result of the taking of the step mentioned in section 4(3)(m))—
  - (a) the Keeper rectifies the register under section 14(1)(a) to correct a material inaccuracy; and
  - (b) the register is rectified before the end of the period mentioned in section 11(5) (no application under section 12(1) having been made).
- (2) The Keeper must issue a fresh certificate of registration and sections 8(3) to (5), 9, 11 and 12 apply to that certificate as they apply to a certificate of registration issued under section 8(2).
- (3) If the rectification of the register was to correct a mistake arising as a consequence of a mistake by the Keeper when making up or amending a registration schedule or making consequential amendments to the register, the Keeper is liable for any costs incurred by any person in connection with complying with section 11.
- (4) If the rectification of the register was to correct a mistake arising as a consequence of a mistake made by the Commission when forwarding the application for registration under section 6(4)(b), the Commission is liable for any costs incurred by any person in connection with complying with section 11.
- (5) In this section—

“material inaccuracy” means an inaccuracy relating to any matter mentioned in section 10(2);

“mistake” has the meaning given by section 14(3).>

#### **Section 15**

**Roseanna Cunningham**

**175** In section 15, page 12, line 9, leave out <title sheet> and insert <registration schedule>

**Roseanna Cunningham**

**176** In section 15, page 12, line 21, at end insert—

- <(3A) A person who, as a result of a mistake mentioned in subsection (3B)—
- (a) takes a step mentioned in subsection (3C); and
  - (b) suffers a loss in so doing,
- is to be indemnified by the Commission in respect of that loss.

- (3B) That mistake is a mistake in the register arising as a consequence of a mistake made by the Commission when forwarding the application for registration under section 6(4)(b).
- (3C) Those steps are—
- (a) the submitting of a fresh application for registration;
  - (b) the making of an application for rectification of the register under section 15(1B).
- (3D) Subsection (3A) applies whether or not the register is rectified to correct the mistake referred to in that subsection.>

**Roseanna Cunningham**

- 177 In section 15, page 12, line 22, leave out subsections (4) and (5)

**Roseanna Cunningham**

- 178 In section 15, page 12, line 27, leave out subsection (6) and insert—
- <(6) In this section, “mistake” has the meaning given by section 14(3).>

**Peter Peacock**

**Supported by: Liam McArthur**

- 248 Leave out section 15

**Section 16**

**Roseanna Cunningham**

- 179 In section 16, page 12, line 33, at end insert <(including the form and manner in which the register is made available to the public)>

**Roseanna Cunningham**

- 180 In section 16, page 12, line 35, at end insert—
- <( ) prescribing the form of application for registration;>

**Roseanna Cunningham**

- 181 In section 16, page 13, line 3, at end insert—
- <( ) An order under subsection (2) may include provision about—
- (a) the circumstances in which a person making an application for first registration is to be entitled to a reduction in the fee that would otherwise be payable in respect of such registration;
  - (b) the amount or, as the case may be, method of calculating that reduction; and
  - (c) the manner in which that reduction is to be achieved (whether by way of discount, repayment or otherwise and including any effect that reduction may have on the operation of section 6(1) and (4)(b)(ii)).>

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

249 Leave out section 16

### **Section 17**

**Roseanna Cunningham**

182 In section 17, page 13, line 7, leave out <Lands Tribunal for Scotland> and insert <Land Court>

**Roseanna Cunningham**

183 In section 17, page 13, line 8, leave out <Lands Tribunal> and insert <Court>

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

250 Leave out section 17

### **Section 18**

**Roseanna Cunningham**

184 In section 18, page 13, line 25, leave out <title sheet> and insert <registration schedule>

**Roseanna Cunningham**

185 In section 18, page 13, line 27, leave out <title sheet> and insert <registration schedule>

**Roseanna Cunningham**

186 In section 18, page 13, leave out lines 33 to 37.

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

251 Leave out section 18

### **Section 19**

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

252 Leave out section 19

### **After section 19**

**Roseanna Cunningham**

187 After section 19, insert—

*<Registration of common grazings*

**First registration of common grazings**

- (1) An unregistered common grazing—
  - (a) must be registered, in the case of a new common grazing, subject to section 51B of the 1993 Act, on the determination under section 51A(1) of that Act to constitute the land as a common grazing;
  - (b) may be registered, in any other case, on an application being made by the Commission.
- (2) In this Part—

“first registration” in relation to an unregistered common grazing, means the registration of that common grazing;

“new common grazing” means land in relation to which the Commission have made a determination, under section 51A(1) of the 1993 Act, to constitute the land as a common grazing.>

**Roseanna Cunningham**

**87** After section 19, insert—

**<Registration of events affecting registered common grazings**

- (1) The following events in relation to a registered common grazing must be registered, that is—
  - (a) the transfer (whether or not for valuable consideration) of the ownership of any land on which the common grazing is situated;
  - (b) the taking, in relation to the common grazing, of a step mentioned in subsection (2).
- (2) The steps referred to in subsection (1)(b) are—
  - (a) the giving of authorisation to resume the common grazing or part of the common grazing under section 20(1) of the 1993 Act;
  - (b) the granting under section 20(1C) of that Act of an extension of the period for which resumption of the common grazing is authorised;
  - (c) the making of a determination under section 20(1F) of that Act converting a temporary resumption of the common grazing into an ordinary resumption;
  - (d) the making of an order under section 21A of that Act that land resumed under section 20 of that Act is to revert to being a common grazing;
  - (e) the enlargement of the common grazing under section 51 of that Act;
  - (f) the termination of all or part of a person’s share in the common grazing under section 52(1E)(b)(i) of that Act;
  - (g) the apportionment—
    - (i) of a share or part of a share in the common grazing under section 52(1E)(b)(ii) of that Act;
    - (ii) of the common grazing, or part of the common grazing, under 52(3) of that Act;

- (iii) of a part of the common grazing under section 52(4) of that Act;
  - (h) the extension, under subsection (11) of section 52 of that Act, of any period for which a part of the common grazing is apportioned under subsection (10) of that section;
  - (i) the bringing to an end, under subsection (12) of section 52 of that Act, of an apportionment of the common grazing or part of the common grazing made in pursuance of subsection (3) or (4) of that section;
  - (j) the making of a determination under section 52(14) of that Act as to shares in the common grazing;
  - (k) the transfer (whether or not for valuable consideration) by a person who holds a right in the common grazing of that right to another person.
- (3) But no application for registration of a step mentioned in paragraph (g)(iii) or paragraph (i) of subsection (2) need be submitted if an application for registration of such a step is submitted by virtue of section 5.
- (4) The Scottish Ministers may, by regulations, make provision about when ownership is to be treated as transferred for the purposes of subsection (1)(a).
- (5) The Scottish Ministers may, by order, modify subsection (2) so as to—
- (a) add a step to;
  - (b) modify the description of a step in;
  - (c) remove a step from,
- that subsection.>

**Roseanna Cunningham**

**188** After section 19, insert—

**<Applications for registration: common grazings**

- (1) An application for—
  - (a) first registration of a new common grazing; or
  - (b) registration of an event affecting a registered common grazing (other than one which falls to be submitted by the Commission),
 and the fee payable in respect of such registration, is to be submitted to the Commission.
- (2) An application for first registration of a new common grazing is to be submitted at the same time as an application under section 51A(1) of the 1993 Act.
- (3) An application for registration of an event affecting a registered common grazing is to be submitted—
  - (a) in the case of the transfer of the ownership of any land on which the common grazing is situated, by the person to whom such ownership is transferred;
  - (b) in the case of a step mentioned in (*Registration of events affecting registered common grazings*)(2)—
    - (i) in accordance with the requirements of the 1993 Act; or
    - (ii) in the absence of such requirements, as soon as reasonably practicable after the step is taken.

- (4) In respect of an application submitted to the Commission under this section, the Commission must, subject to section 51B of the 1993 Act and to subsections (5) and (6), forward—
  - (a) the application, together with any comments they may have on it; and
  - (b) the fee payable in respect of it,
 to the Keeper as soon as reasonably practicable.
- (5) The Commission may, before forwarding an application for registration to the Keeper, require the applicant to provide them with such further information relating to the application as they consider appropriate.
- (6) The Commission may refuse to forward an application for registration if—
  - (a) a requirement under subsection (5) is not complied with;
  - (b) the application is frivolous or vexatious;
  - (c) the fee payable in respect of registration has not been tendered;
  - (d) there is a material inaccuracy in the application; or
  - (e) they consider that the Keeper would otherwise not accept the application under section 7(2).
- (7) Where the Commission refuse to forward an application for registration, section 52A of the 1993 Act applies as if that refusal were a decision of the Commission on an application to them under that Act.
- (8) An application for first registration of a common grazing by the Commission is to be submitted to the Keeper.
- (9) Before submitting such an application, the Commission must consult—
  - (a) the owner of the common grazing; and
  - (b) where there is a grazings committee or grazings constable, that committee or that constable.
- (10) Where there is no grazings committee or grazings constable, the Commission must notify, in such manner as they consider appropriate (including by means of advertisement), all persons who hold a right in the common grazing of the application.
- (11) Any person notified under subsection (10) may make representations to the Commission in respect of the proposed application.
- (12) In subsection (6)(d), “material inaccuracy” means an inaccuracy relating to any matter mentioned in section 10(2) (as that section applies, with the modifications specified in schedule (*Application of Act to common grazings*), to common grazings).
- (13) Section 6 does not apply to applications for registration of a common grazing.>

**Roseanna Cunningham**

**189** After section 19, insert—

**<Application of Act to common grazings**

Schedule (*Application of Act to common grazings*), which applies certain provisions of this Act relating to crofts to common grazings, has effect.>

**Roseanna Cunningham**

**190** After section 19, insert—

**<Registration of new common grazings**

- (1) In subsection (1) of section 51A of the 1993 Act (new common grazings), the words from “by entering” to the end of the subsection are repealed.
- (2) After that section insert—

**“51B Registration of new common grazings**

- (1) Subsection (2) applies where the Commission make a determination to exercise their power under section 51A(1) to constitute land as a common grazing.
- (2) The application for registration of the land in the Crofting Register must not be forwarded to the Keeper under section (*Applications for registration: common grazings*)(4) of the 2010 Act—
  - (a) until the period mentioned in section 52A(2)(b) has expired without any appeal to the Land Court being made; or
  - (b) where such an appeal is made, until it is abandoned or the Court confirms the Commission’s determination under section 51A(1).
- (3) Where land in respect of which a determination under section 51A(1) is made is registered in the Crofting Register the land is, for the purposes of this Act and from the date of registration, a common grazing.”>

**Roseanna Cunningham**

**191** After section 19, insert—

*<Offences*

**Transfer of land containing crofts: offences**

- (1) A person commits an offence if—
  - (a) ownership of an owner-occupied croft having been transferred to the person as is mentioned in section 4(1)(aa)(i); or
  - (b) ownership of land having been transferred to the person as is mentioned in section 4(1)(b)(i),  
the person fails within one year of the transfer to apply to register the owner-occupied croft or, as the case may be, a croft situated on the land.
- (2) A person commits an offence in respect of each further one year period where the person continues to fail to apply to register the owner-occupied croft or, as the case may be, a croft mentioned in subsection (1).
- (3) But an offence under subsection (1) or (2) cannot be committed by a person in respect of a croft after the person is no longer required, by virtue of section 4(4C), to register the croft.
- (4) Where there is more than one croft situated on land such as is mentioned in section 4(1)(b)(i), separate offences under subsection (1) or (2) may be committed in respect of each such croft.
- (5) A person commits an offence if—

- (a) ownership of an owner-occupied croft having been transferred to the person as is mentioned in section 5(1)(za)(i); or
- (b) ownership of land having been transferred to the person as is mentioned in section 5(1)(zb)(i),

the person fails within one year of the transfer to apply to register the transfer.

- (6) A person commits an offence in respect of each further one year period where the person continues to fail to apply to register the transfer mentioned in subsection (5).
- (7) A person who commits an offence under subsection (1), (2), (5) or (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.>

**Roseanna Cunningham**

**192** After section 19, insert—

**<Change of landlord: offences**

- (1) A person commits an offence if, having become the landlord of a croft, the person fails, within one year of becoming such a landlord, to apply to register the change of landlord in accordance with section 5(1)(zb)(ii).
- (2) A person commits an offence in respect of each further one year period where the person continues to fail to apply to register the change of landlord mentioned in subsection (1).
- (3) But no offence is committed under this section by a person who becomes the landlord of a croft by virtue of the transfer of ownership of land on which the croft is situated.
- (4) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.>

**Roseanna Cunningham**

**193** After section 19, insert

**<Transfer of land on which common grazing is situated: offences**

- (1) A person commits an offence if, ownership of land such as is mentioned in section (*Registration of events affecting registered common grazings*)(1)(a) having been transferred to the person, the person fails within one year of the transfer to apply to register the transfer.
- (2) A person commits an offence in respect of each further one year period where the person continues to fail to apply to register the transfer mentioned in subsection (1).
- (3) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.>

**Roseanna Cunningham**

**194** After section 19, insert—

*<Lands held runrig*

**Lands held runrig**

- (1) Unregistered land held runrig may be registered on an application being made by the Commission.

- (2) An application for first registration of land held runrig is to be submitted to the Keeper.
- (3) Before submitting such an application the Commission must—
  - (a) consult the owner of the land; and
  - (b) notify, in such manner as they consider appropriate (including by means of advertisement), all persons who are holders of the land held runrig.
- (4) Any person notified under subsection (3) may make representations to the Commission in respect of the application.
- (5) The following events in relation to registered land held runrig must be registered, that is—
  - (a) the apportionment of the land under section 52(8) of the 1993 Act;
  - (b) the extension, under subsection (11) of section 52 of that Act, of any period for which a part of the land is apportioned under subsection (10) of that section.
- (6) An application for registration of an event mentioned in subsection (5), and the fee payable in respect of such registration, is to be submitted to the Commission.
- (7) In respect of such an application, the Commission must, subject to subsections (8) and (9), forward—
  - (a) the application, together with any comments they may have on it; and
  - (b) the fee payable in respect of it,
 to the Keeper as soon as reasonably practicable.
- (8) The Commission may, before forwarding an application for registration to the Keeper, require the applicant to provide them with such further information relating to the application as they consider appropriate.
- (9) The Commission may refuse to forward an application for registration if—
  - (a) a requirement under subsection (8) is not complied with;
  - (b) the application is frivolous or vexatious;
  - (c) the fee payable in respect of registration has not been tendered;
  - (d) there is a material inaccuracy in the application; or
  - (e) they consider that the Keeper would otherwise not accept the application under section 7(2).
- (10) Where the Commission refuse to forward an application for registration, section 52A of the 1993 Act applies as if that refusal were a decision of the Commission on an application to them under that Act.
- (11) Section 6 does not apply to applications for registration of land held runrig.
- (12) Sections 7 to 17 apply, with such modifications as may be necessary, in relation to lands held runrig as they apply in relation to common grazings.
- (13) The reference to sections in subsection (12) is, where those sections are modified for the purposes of their application in relation to common grazings, to those sections as so modified.
- (14) In subsection (9)(d), “material inaccuracy” means an inaccuracy relating to any matter mentioned in section 10(2) (as that section applies, by virtue of subsection (12), to lands held runrig).

- (15) The Scottish Ministers may, by order, modify subsection (5) so as to—
- (a) add an event to;
  - (b) modify the description of an event in;
  - (c) remove an event from,
- that subsection.
- (16) In this Part, “first registration”, in relation to unregistered land held runrig, means the registration of that land.>

### After schedule 1

#### Roseanna Cunningham

195 After schedule 1, insert—

#### <SCHEDULE

*(introduced by section (Application of Act to common grazings))*

#### APPLICATION OF ACT TO COMMON GRAZINGS

- 1 Section 7 applies to an application for registration forwarded under subsection (4) of section (*Applications for registration: common grazings*) or submitted under subsection (9) of that section as it applies to an application for registration mentioned in section 7, with the following modifications—
- (a) in subsection (1), for “section 6(4)(b)” substitute “subsection (4) of (*Applications for registration: common grazings*) or submitted under subsection (9) of that section”;
  - (b) for “croft”, in each place where it appears in subsections (2), (2A) and (4), substitute “common grazing”;
  - (c) in subsection (2A), for “common grazing”, in each place where it appears, substitute “croft”.
- 2 Section 8 applies to registration relating to a common grazing as it applies to registration relating to a croft, with the following modifications—
- (a) for “croft”, in each place where it appears in subsections (1), (2) and (4), substitute “common grazing”;
  - (b) in subsection (2A), for “the crofter of the croft” substitute “any grazings committee, or grazings constable, appointed in respect of the common grazing”;
  - (c) subsection (3) is omitted.
- 3 Section 9 applies to a first registration of a common grazing as it applies to a first registration of a croft, with the following modifications—
- (a) for “croft”, where it appears in each of subsections (1) and (2), substitute “common grazing”;
  - (b) subsections (3) to (3E) and (5) are omitted.
- 4 Section 10 applies to a common grazing as it applies to a croft, with the following modifications—
- (a) for “croft”, in each place where it appears in subsections (1), (2)(a), (2A), (2B) and (5), substitute “common grazing”;

- (b) for paragraph (b) of subsection (2) substitute—
  - “(b) the name and address of the owner of the common grazing;
  - (ba) details of any croft of which a right in the common grazing forms part (including, where the croft is registered, a reference to the registration schedule of the croft);
  - (bb) the name and designation of, as the case may be—
    - (i) any tenant of such a croft;
    - (ii) any owner-occupier crofter of such a croft;
    - (iii) any landlord of such a croft;
    - (iv) any owner of such a croft;
  - (bc) the name and designation of any other person who holds a right in the common grazing;”;
  - (c) in subsection (2B), for “common grazing”, in each place where it appears, substitute “croft”.

5 Section 11 applies to a certificate of registration relating to a common grazing received under section 8(2) as it applies to a certificate of registration relating to a croft received under section 8(2) or, as the case may be, (3), with the following modifications—

- (a) in subsection (3)—
  - (i) for “croft”, where it appears in each of paragraphs (a) and (b), substitute “common grazing”;
  - (ii) paragraphs (c) and (d) are omitted;
  - (iii) after paragraph (d) insert—
    - “(da) the grazings committee or grazings constable (or, where there is no such committee or constable, any person of whom the Commission are aware who holds a right in the common grazing);”;
    - (iv) for “croft”, where it appears in each of paragraphs (e), (f) and (h), substitute “land”;
    - (v) in paragraph (g) for “of any adjacent croft” substitute “, or any other tenant, of any adjacent land”;
    - (vi) paragraph (i) is omitted;
    - (vii) in paragraph (j), the words “(not being land which is an adjacent croft)” are omitted;
- (b) in subsection (4)—
  - (i) for “croft”, where it appears in each of paragraphs (a) and (b), substitute “common grazing”;
  - (ii) in paragraph (c), for “10(2)(b)” substitute “paragraphs (b), (bb) and (bc) of section 10(2) (as it applies to common grazings)”;
  - (iii) after paragraph (c), insert—
    - “(ca) the details of any crofts entered in the registration schedule in accordance with paragraph (ba) of section 10(2) (as it applies to common grazings);”;
  - (c) for “croft”, in each place where it appears in subsection (6), substitute “common grazing”.

- 6 Section (*Power of entry etc. where Commission is applicant*) applies to a notice required to be affixed under section 11(6)(b) to a common grazing as it applies to such a notice relating to a croft, with the modification that for “croft”, in each place where it appears in subsections (2) and (3)(a), there is substituted “common grazing”.
- 7 Section 12 applies to registration of a common grazing (other than a new common grazing) as it applies to registration of a croft, with the modification that for “croft”, where it appears in each of subsections (1A), (2)(a) and (b), (2A), (2B) and (6), there is substituted “common grazing”.
- 8 Section (*Resumed and decrofted crofts*) applies to a resumed common grazing as it applies to a resumed croft, with the following modifications—
- (a) for “croft”, in each place where it appears in subsections (1)(a), (2) and (4), substitute “common grazing”;
  - (b) subsections (1)(b) and (3) are omitted.
- 9 Section 14 applies to rectifications relating to common grazings as it applies to rectifications relating to other matters, with the modification that in subsection (1B) for “6(4)(b)” there is substituted “(*Applications for registration: common grazings*)(4)”.
- 10 Section (*Rectification following first registration*) applies to a rectification of the register relating to a common grazing as it applies to such rectifications relating to other matters, with the following modifications—
- (a) in subsection (1), for “croft” substitute “common grazing”;
  - (b) subsection (4) is omitted.
- 11 Section 15 applies to an entitlement to indemnity relating to a common grazing as it applies to an entitlement to indemnity relating to other matters, with the modification that in subsection (3B) for “6(4)(b)” there is substituted “(*Applications for registration: common grazings*)(4)”.
- 12 Section 16 applies to the making of rules and orders in relation to common grazings as it applies to the making of rules and orders in relation to other matters, with the modification that in subsection (1)(d), for “crofts” there is substituted “common grazings”.
- 13 Section 17 applies to an act or omission of the Keeper relating to a common grazing as it applies to an act or omission of the Keeper relating to any other matter.>

## 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

### **Roseanna Cunningham**

- 196** In section 21, page 17, line 32, at end insert—

<( ) Where consent is applied for under subsection (2) in relation to an unregistered owner-occupied croft, the Commission—

- (a) must not grant that consent unless an application for first registration of the owner-occupied croft is submitted before the expiry of the period of 6 months beginning with the date on which the application for consent was made;
- (b) need not, during that 6 month period, consider the application for consent until an application for first registration of the owner-occupied croft is submitted.>

### **Roseanna Cunningham**

- 197** In section 21, page 17, leave out lines 33 to 35 and insert—

<(3) In relation to a registered owner-occupied croft (other than an owner-occupied croft which is a first registered croft)—

- (a) any consent of the Commission given by virtue of subsection (2) to a division of the owner-occupied croft expires at the end of the period of 3 months beginning with the date on which such consent was given unless an application for registration of the division is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
  - (b) the division takes effect on the date of registration.
- (3A) The Keeper must make up and maintain a registration schedule in accordance with section 10 of the 2010 Act in respect of the new croft created by a division under this section.>

## **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**

- 198 In section 23, page 22, line 4, leave out from <when> to end of line 5 and insert—

- <( ) as respects an application for first registration of the croft, or owner-occupied croft, submitted by virtue of section 4 of the 2010 Act, on the date of registration;
- ( ) as respects an application for registration of the division of the croft, or owner-occupied croft, submitted by virtue of section 5 of that Act, on the date of registration.>

**Roseanna Cunningham**

**199** In section 23, page 22, line 5, at end insert—

- <( ) The Keeper must make up and maintain a registration schedule in accordance with section 10 of the 2010 Act in respect of a new croft created by a division under this section.>

**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**

**200** In section 23, page 23, line 13, at end insert—

- <( ) Any letting of an unregistered owner-occupied croft in accordance with proposals submitted under subsection (1) is void unless an application for first registration of the owner-occupied croft is submitted before the expiry of the period of 3 months beginning with the date of the letting.
- ( ) In relation to a registered owner-occupied croft—

- (a) any approval under subsection (2A) of a proposal for letting the owner-occupied croft under subsection (1) expires at the end of the period of 3 months beginning with the date on which the approval was given unless an application for registration of the letting of the owner-occupied croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
- (b) the letting of the owner-occupied croft takes effect on the date of registration.>

**Roseanna Cunningham**

**201** In section 23, page 23, line 20, at end insert—

- <( ) Any letting of an unregistered owner-occupied croft pursuant to a decision under subsection (4) is void unless an application for first registration of the owner-occupied croft is submitted before the expiry of the period of 3 months beginning with the date of the letting.
- ( ) In relation to a registered owner-occupied croft—
  - (a) any decision under subsection (4) to let the owner-occupied croft to an applicant is, at the end of the period of 3 months beginning with the date on which the decision was made, to be treated as if it had not been made unless an application for registration of the croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
  - (b) the letting of the owner-occupied croft takes effect on the date of registration.>

**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>

**Section 24**

**Roseanna Cunningham**

**202** In section 24, page 24, line 23, at end insert—

- <(1A) Where consent is applied for under subsection (1) in relation to an unregistered owner-occupied croft (or any part of such an owner-occupied croft), the Commission—
  - (a) may not grant that consent 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 consent was made;
  - (b) need not, during that 6 month period, consider the application for consent until an application for first registration of the croft is submitted.
- (1B) In relation to a registered owner-occupied croft (other than an owner-occupied croft which is a first registered croft), or any part of such a croft—

- (a) any consent under subsection (1) expires at the end of the period of 3 months beginning with the date on which such consent was granted unless an application for registration of the letting of the croft (or part of the croft) is made by virtue of section 5 of the 2010 Act before the expiry of that period;
- (b) the letting of the croft (or part of the croft) takes effect on the date of registration.>

### **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

203 In schedule 2, page 42, line 36, after <crofts> insert—

<( ) after subsection (2), insert—

“(2A) Where consent is applied for under subsection (1) in relation to an unregistered croft (or any part of such a croft), the Commission—

- (a) may not grant that consent 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 consent was made;
- (b) need not, during that 6 month period, consider the application for consent until an application for first registration of the croft is submitted.

(2B) In relation to a registered croft, or any part of such a croft, (other than a first registered croft)—

- (a) any consent of the Commission to the exchange of the croft expires at the end of the period of 3 months beginning with the date on which such consent was given unless an application for registration of the exchange of the croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
- (b) the exchange takes effect on the date of registration.”; and>

### 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**

**204** In schedule 2, page 43, line 7, after <application.> insert—

<(1B) Where consent is applied for under subsection (1) in relation to an unregistered croft, the Commission—

(a) may not grant that consent 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 consent was made;

(b) need not, during that 6 month period, consider the application for consent until an application for first registration of the croft is submitted.>

**Roseanna Cunningham**

**205** In schedule 2, page 43, line 8, at end insert—

<( ) in subsection (6), at the beginning, insert “In relation to an unregistered croft or a first registered croft,”; and

( ) after that subsection insert—

“(6A) In relation to a registered croft (other than a first registered croft)—

(a) any consent of the Commission given under this section to an assignment expires at the end of the period of 3 months beginning with the date on which such consent was given unless an application for registration of the assignment is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;

(b) the assignment takes effect on the date of registration.”.>

**Roseanna Cunningham**

**206** In schedule 2, page 43, line 9, after <croft> insert—

<( ) after subsection (1) insert—

“(1A) Where consent is applied for under subsection (1) in relation to an unregistered croft, the Commission—

(a) may not grant that consent 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 consent was made;

(b) need not, during that 6 month period, consider the application for consent until an application for first registration of the croft is submitted.”;>

**Roseanna Cunningham**

**207** In schedule 2, page 43, line 9, at end insert—

<( ) for subsection (3), substitute—

- “(3) In relation to a registered croft (other than a first registered croft)—
- (a) any consent of the Commission given under this section to a division of the croft expires at the end of the period of 3 months beginning with the date on which such consent was given unless an application for registration of the division is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
  - (b) the division takes effect on the date of registration.
- (3A) The Keeper must make up and maintain a registration schedule in accordance with section 10 of the 2010 Act in respect of a new croft created by a division under this section.”>

**Roseanna Cunningham**

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

**Roseanna Cunningham**

**208** In schedule 2, page 43, line 19, leave out <, paragraph (d) of subsection (3) is repealed.> and insert—

- <( ) in subsection (1)—
  - (i) for “furnish” substitute “give notice of the transfer containing”; and
  - (ii) for “the landlord shall notify the Commission accordingly” substitute “at the same time as giving the notice the executor must send a copy of the notice to the Commission”;
- ( ) after that subsection insert—
 

“(1A) A transfer such as is mentioned in subsection (1) takes effect in relation to an application for registration of—

  - (a) the giving of notice under that subsection by virtue of section 4 of the 2010 Act; or
  - (b) the transfer by virtue of section 5 of that Act, on the date of registration.”;
- ( ) in subsection (2)—
  - (i) for “12” substitute “24”; and
  - (ii) for “furnished to the landlord particulars of any transferee” substitute “given the landlord any notice”;
- ( ) in subsection (3)—
  - (i) in paragraph (c), for “10(2)” substitute “10”; and
  - (ii) paragraph (d) is repealed; and
- ( ) in subsection (4)—
  - (i) for “12” substitute “24”; and
  - (ii) for “furnished to the landlord particulars of any transferee” substitute “given the landlord any notice”.>

**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**

209 In schedule 2, page 43, line 19, at end insert—

<( ) In section 20 (resumption of croft or part of croft by landlord)—

( ) after subsection (1) insert—

“(1ZA) Where an application is made under subsection (1) to resume an unregistered croft (or any part of such a croft), the Land Court—

(a) may not authorise the resumption 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 to resume the croft was made;

(b) need not, during that 6 month period, consider the application to resume the croft until an application for first registration of the croft is submitted.

(1ZB) In relation to a registered croft, or part of such a croft, (other than a first registered croft)—

(a) any authorisation under subsection (1) expires at the end of the period of 3 months beginning with the date on which such authorisation was given unless an application for registration of the giving of that authorisation is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;

(b) the resumption takes effect on the date of registration.

(1ZC) In its application to a registered common grazing, section (1ZB) is to be construed as if the reference in paragraph (a) to section 5 of the 2010 Act were a reference to section (*Registration of events affecting registered common grazings*) of that Act.”;

( ) after subsection (1C), insert—

“(1CA) In relation to a registered croft, or part of such a croft—

(a) the granting of any extension under subsection (1C) expires at the end of the period of 3 months beginning with the date on which the extension was granted unless an application for registration of the granting of the extension is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;

(b) the extension takes effect on the date of registration.

(1CB) In its application to an extension relating to a registered common grazing, section (1CA) is to be construed as if the reference in paragraph (a) to section 5 of the 2010 Act were a reference to section (*Registration of events affecting registered common grazings*) of that Act.”;

( ) in subsection (1F), for the words “(1B) to (1D)” substitute “(1B), (1C) and (1D)”;

( ) after subsection (1F) add—

- “(1G) In relation to a registered croft, or part of such a croft—
- (a) any determination under subsection (1F) expires at the end of the period of 3 months beginning with the date on which the determination was made unless an application for registration of the making of the determination is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
  - (b) the conversion of the temporary resumption into an ordinary resumption takes effect on the date of registration.
- (1H) In its application to a determination relating to a registered common grazing, section (1F) is to be construed as if the reference in paragraph (a) to section 5 of the 2010 Act were a reference to section (*Registration of events affecting registered common grazings*) of that Act.”.
- ( ) In section 21A (reversion of resumed land), after subsection (1) insert—
- “(1A) In relation to land which, before being resumed as mentioned in subsection (1), was an unregistered croft (or part of such a croft), an order under that subsection does not take effect until the croft is registered by virtue of section 4 of the 2010 Act.
- (1B) In relation to land which, before being resumed as mentioned in subsection (1), was a registered croft (or part of such a croft)—
- (a) an order under that subsection expires at the end of the period of 3 months beginning with the date on which the order was made unless an application for registration of the making of the order is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
  - (b) the order takes effect on the date of registration.
- (1C) In its application to a registered common grazing, section (1B) is to be construed as if the reference in paragraph (a) to section 5 of the 2010 Act were a reference to section (*Registration of events affecting registered common grazings*) of that Act.”>

**Roseanna Cunningham**

**210** In schedule 2, page 43, line 21, at end insert—

<( ) after subsection (3) insert—

- “(3ZA) Where approval is applied for under subsection (3) in relation to an unregistered croft (or any part of such a croft), the Commission—
- (a) may not grant that approval 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 approval was made;
  - (b) need not, during that 6 month period, consider the application for approval until an application for first registration of the croft is submitted.
- (3ZB) In relation to a registered croft, or any part of such a croft, (other than a first registered croft)—

- (a) any approval under subsection (3) expires at the end of the period of 3 months beginning with the date on which such approval was granted unless an application for registration of the letting of the croft (or part of the croft) is made by virtue of section 5 of the 2010 Act before the expiry of that period;
- (b) the letting of the croft (or part of the croft) takes effect on the date of registration.”;>

**Roseanna Cunningham**

**211** In schedule 2, page 43, line 23, at end insert—

<( ) after “above” insert “, subsection (5ZB) or subsection (5D),”;>

**Roseanna Cunningham**

**212** In schedule 2, page 43, line 27, at end insert—

<( ) after subsection (5ZA) (inserted by section 28 of this Act) insert—

“(5ZB) Any re-letting of an unregistered croft in accordance with proposals submitted under subsection (5) is null and void unless an application for first registration of the croft is submitted before the expiry of the period of 3 months beginning with the date of the re-letting.

(5ZC) In relation to a registered croft—

- (a) any approval under subsection (5ZA) of proposals to re-let the croft under subsection (5) expires at the end of the period of 3 months beginning with the date on which such approval was given unless an application for registration of the re-letting of the croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
- (b) the re-letting of the croft takes effect on the date of registration.”;

( ) after subsection (5C) insert—

“(5D) Any letting of an unregistered croft pursuant to a determination under subsection (5C) is null and void unless an application for first registration of the croft is submitted before the expiry of the period of 3 months beginning with the date of the letting.

(5E) In relation to a registered croft—

- (a) any determination under subsection (5C) to let the croft to an applicant is, at the end of the period of 3 months beginning with the date on which the determination was made, to be treated as if it had not been made unless an application for registration of the re-letting of the croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
- (b) the letting of the croft takes effect on the date of registration.”>

**Roseanna Cunningham**

**213** In schedule 2, page 43, line 38, leave out <24(2)> and insert <24>

**Roseanna Cunningham**

- 214** In schedule 2, page 43, line 38, after <months> insert—  
<( ) in subsection (2),>

**Roseanna Cunningham**

- 215** In schedule 2, page 43, line 39, at end insert—  
<( ) after that subsection insert—  
“(2ZA)But the Commission may not make a direction in accordance with subsection (2) in relation to an unregistered croft—  
(a) 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 notice under that subsection is given; and  
(b) until such an application is submitted”;  
( ) after subsection (3A) (inserted by section 29 of this Act) insert—  
“(3B) Where a direction is applied for under subsection (3) in relation to an unregistered croft, the Commission—  
(a) may not make such a direction 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.  
(3C) In relation to a registered croft (other than a first registered croft)—  
(a) a direction under subsection (2) or (3) (other than one under subsection (3) given by virtue of section 25(4) of this Act) expires at the end of the period of 3 months beginning with the date on which the direction was made unless an application for registration of the making of the direction is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;  
(b) the direction takes effect on the date of registration.”>

**Roseanna Cunningham**

- 88** In schedule 2, page 43, line 39, at end insert—  
<( ) In section 25 (provisions supplementary to section 24(3))—  
(a) in subsection (4), at the beginning insert “Subject to subsections (4ZB) and (4ZD),”;  
(b) after that subsection insert—  
“(4ZA)Where a direction is applied for under subsection (4) in relation to an unregistered croft—

- (a) the Commission may not make such a direction 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) the Commission need not, during that 6 month period, consider the application for the direction until an application for first registration of the croft is submitted.
- (4ZB) Where a direction under section 24(3) is made by virtue of an application under subsection (4) in relation to a first registered croft—
- (a) the crofter who applied for the direction must, within 3 months of acquiring land or a site as mentioned in that subsection, notify the Commission of the acquisition;
  - (b) the direction—
    - (i) does not have effect unless the conditions in subsection (4) are satisfied;
    - (ii) takes effect on the giving of notification of the direction under section 9(3E)(c) of the 2010 Act.
- (4ZC) Subsection (4ZD) applies to a direction under section 24(3) which is made—
- (a) by virtue of an application under subsection (4); and
  - (b) in relation to a registered croft (other than a first registered croft).
- (4ZD) The direction—
- (a) does not have effect unless—
    - (i) the conditions mentioned in subsection (4) are satisfied; and
    - (ii) an application for registration of the making of the direction is made by virtue of section 5 of the 2010 Act before the expiry of the period of 5 years mentioned in that subsection;
  - (b) takes effect, if those conditions and the condition mentioned in paragraph (a)(ii) are satisfied on or before the date of registration, on the date of registration.”>

**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**

**216** In schedule 2, page 44, line 7, at end insert—

<( ) In section 39 (putting into effect of reorganisation schemes)—

(a) in subsection (1A), at the beginning insert “Subject to subsection (2A),”;

(b) in subsection (2), at the beginning insert “Subject to subsection (2B),”;

(c) after subsection (2), insert—

“(2A) Before putting into effect a reorganisation scheme which contains provision—

(a) forming a croft;

(b) making any change to, or in relation to, a croft,

the Commission must submit, in accordance with Part 2 of the 2010 Act, an application for registration of the croft so formed, the croft affected by the change or, as the case may be, the change to the croft.

(2B) The date appointed under subsection (2) for the putting into effect of any provision of a reorganisation scheme in respect of which an application for registration under subsection (2A) is made is to be the date of registration.”>

**Peter Peacock**

**253** In schedule 2, page 44, line 8, after <Commission> insert—

<( ) in subsection 1, after “extent” insert “(including a map showing the boundaries)”;  
and

( )>

**Peter Peacock**

**254** In schedule 2, page 44, line 14, at end insert—

<( ) After section 41(2) (information to be entered in the Register of Crofts), insert—

“( ) In respect of a croft entered in the Register of Crofts, the Commission may include in the Register a map showing the boundaries of that croft.”>

**Roseanna Cunningham**

**217** In schedule 2, page 44, line 19, at end insert—

<( ) In section 52 (miscellaneous provisions as to common grazings, etc.)—

(a) after subsection (1E) insert—

“(1EA) Where the Commission make a determination under subsection (1E) that all or part of a person’s share in a registered common grazing is terminated—

- (a) the Commission must, as soon as reasonably practicable after making the determination, submit an application for registration of the termination by virtue of section (*Registration of events affecting registered common grazings*) of the 2010 Act;
  - (b) the termination takes effect on the date of registration.
- (1EB) Any apportionment of all or part of a person’s share in a registered common grazing under subsection (1E) above takes effect, as respects an application for registration of the apportionment by virtue of section (*Registration of events affecting registered common grazings*) of the 2010 Act, on the date of registration.”;
- (b) after subsection (3) insert—
  - “(3A) In relation to a registered common grazing—
    - (a) any apportionment of the common grazing under subsection (3) expires at the end of the period of 3 months beginning with the date on which the common grazing was so apportioned unless an application for registration of the apportionment 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 apportionment takes effect on the date of registration.”;
- (c) after subsection (5) insert—
  - “(5A) Where an application is made under subsection (4) by the crofter of an unregistered croft, the Commission—
    - (a) may not apportion a part of the common grazing 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 to apportion a part of the common grazing was made;
    - (b) need not, during that 6 month period, consider the application to apportion a part of the common grazing until an application for first registration of the croft is submitted.
  - (5B) Where an application under subsection (4) by the crofter of a registered croft (other than a first registered croft) is granted—
    - (a) the apportionment of a part of the common grazing expires at the end of the period of 3 months beginning with the date on which the part was so apportioned unless an application for registration of the apportionment is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
    - (b) the apportionment takes effect on the date of registration.
  - (5C) In relation to a registered common grazing—
    - (a) any apportionment of a part of the common grazing under subsection (4) expires at the end of the period of 3 months beginning with the date on which the part was so apportioned unless an application for registration of the apportionment 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 apportionment of the part takes effect on the date of registration.

- (5D) But subsection (5C) does not apply to an apportionment which takes effect by virtue of subsection (5B).”;
- (d) after subsection (7) insert—
- “(7A) Any transfer by a person who holds a right in a registered common grazing of that right to another person takes effect, as respects an application for registration of the transfer by virtue of section (*Registration of events affecting registered common grazings*) of the 2010 Act, on the date of registration.”;
- (e) after subsection (8) insert—
- “(8A) Subsection (5C) applies to an apportionment under subsection (8) of registered lands held runrig as it applies to an apportionment under subsection (4) of a part of a registered common grazing, with the modification that the reference to section (*Registration of events affecting registered common grazings*) is to be construed as a reference to section (*Lands held runrig*).
- (f) after subsection (11) insert—
- “(11A) In relation to a registered common grazing—
- (a) any extension under subsection (11) of the period for which a part of a registered common grazing is apportioned ceases to have effect at the end of the period of 3 months beginning with the date on which the period was so extended unless an application for registration of the extension is submitted by virtue of section (*Registration of events affecting registered common grazings*) of the 2010 Act before the expiry of that 3 month period;
- (b) the extension takes effect on the date of registration.
- (11B) Subsection (11A) applies to registered land held runrig as it applies to a registered common grazing, with the modification that the reference to section (*Registration of events affecting registered common grazings*) is to be construed as a reference to section (*Lands held runrig*).”;
- (g) after subsection (12) insert—
- “(12A) Subsection (12B) applies to an application by the crofter of a registered croft (other than a first registered croft) made under subsection (12) to bring to an end an apportionment made in pursuance of subsection (4).
- (12B) Where the application is granted—
- (a) the granting of the application expires at the end of the period of 3 months beginning with the date of the granting unless an application for registration of the bringing to an end of the apportionment is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
- (b) the bringing to an end of the apportionment takes effect on the date of registration.
- (12C) Where it is determined under subsection (12)(b)(iii) that an apportionment of a registered common grazing is to come to an end, the apportionment comes to an end, as respects an application for registration of the bringing of it to an end by virtue of section (*Registration of events affecting registered common grazings*) of the 2010 Act, on the date of registration.
- (12D) But subsection (12C) does not apply to an apportionment the bringing to an end of which takes effect by virtue of subsection (12B).”;

(h) after subsection (14) insert—

“(14A) Any determination under subsection (14) takes effect, as respects an application for registration of the making of the determination by virtue of section (*Registration of events affecting registered common grazings*) of the 2010 Act, on the date of registration.”;

(i) in subsection (15), for “(14)” substitute “(14A)”.>

**Roseanna Cunningham**

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

**Roseanna Cunningham**

218 In schedule 2, page 44, line 20, at end insert—

<( ) after subsection (4) insert—

“(4A) The Court may, if it considers it appropriate in consequence of any decision on an appeal under subsection (1), order the Keeper to rectify the Crofting Register.”;>

**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>

**Roseanna Cunningham**

219 In schedule 2, page 44, line 22, at end insert—

<( ) In section 53 (jurisdictional provisions)—

(a) in the proviso to subsection (1), after paragraph (i) insert—

“(ia) any question that may be raised under section 12(1) of the 2010 Act (including a question that could have been raised under that section had an application been made before the end of the period mentioned in section 11(5) of that Act);” and

(b) after subsection (2) insert—

“(3) The Court may, if it considers it appropriate in consequence of any determination under subsection (1), order the Keeper to rectify the Crofting Register.”.>

**Roseanna Cunningham**

220 In schedule 2, page 44, line 22, at end insert—

<( ) In section 56 (powers of entry and inspection), in subsection (1), after “Act” insert “or, in the case of the Commission, by the 2010 Act”.>

**Peter Peacock**

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

**Roseanna Cunningham**

221 In schedule 2, page 45, line 1, at end insert—

<( ) after the definition of “the 1997 Act”, insert—

““the 2010 Act” means the Crofting Reform (Scotland) Act 2010 (asp 00);”>

**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**

222 In schedule 2, page 45, line 13, at end insert—

<( ) after the definition of “croft land” insert—

““date of registration” (other than in section 3) is to be construed in accordance with section 7(4) of the 2010 Act”;>

**Roseanna Cunningham**

223 In schedule 2, page 45, line 13, at end insert—

<( ) after the definition of “enactment” insert—

““first registered croft” is to be construed in accordance with section 5(1A) of the 2010 Act;

“first registration”, in relation to an unregistered croft or unregistered owner-occupied croft, means the registration of the croft or owner-occupied croft in the Crofting Register;”>

**Roseanna Cunningham**

224 In schedule 2, page 45, line 21, leave out <title sheet> and insert <registration schedule>

**Roseanna Cunningham**

49 In schedule 2, page 45, line 29, at end insert—

<(fa) 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**

225 In schedule 2, page 45, leave out lines 31 to 33 and insert—

<( ) after the definition of “registered” (as inserted by sub-sub-paragraph (fa)) insert—  
““registration schedule” means the registration schedule of the croft made up and maintained under section 10(1) of the 2010 Act;”>

**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) submits its views on the application to the authority, or
  - (b) notifies the authority that it does 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).”>

**Section 36**

**Peter Peacock**

255 In section 36, page 31, leave out line 21

**Peter Peacock**

256 In section 36, page 31, leave out lines 23 and 24

**Peter Peacock**

257 In section 36, page 31, leave out line 27

**Peter Peacock**

258 In section 36, page 31, leave out lines 32 to 34

**Roseanna Cunningham**

226 In section 36, page 31, leave out line 34 and insert—

<“registration schedule”, in relation to a croft, means the registration schedule of the croft made up and maintained under section 10(1).>

**Long Title**

**Peter Peacock**

259 In the long title, page 1, line 1, leave out from <to provide> to <it;> in line 2



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