



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

Wednesday 9 June 2010

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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	2799
SUBORDINATE LEGISLATION	2800
Air Quality Standards (Scotland) Regulations 2010 (SSI 2010/204).....	2800
Plant Health (Scotland) Amendment Order 2010 (SSI 2010/206)	2800
Plant Health Fees (Scotland) Amendment Regulations 2010 (SSI 2010/207)	2800
CROFTING REFORM (SCOTLAND) BILL: STAGE 2.....	2801

RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

15th Meeting 2010, Session 3

CONVENER

*Maureen Watt (North East Scotland) (SNP)

DEPUTY CONVENER

*John Scott (Ayr) (Con)

COMMITTEE MEMBERS

*Aileen Campbell (South of Scotland) (SNP)
*Karen Gillon (Clydesdale) (Lab)
*Liam McArthur (Orkney) (LD)
*Elaine Murray (Dumfries) (Lab)
*Peter Peacock (Highlands and Islands) (Lab)
*Bill Wilson (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

Rhona Brankin (Midlothian) (Lab)
Jim Hume (South of Scotland) (LD)
Nanette Milne (North East Scotland) (Con)
Sandra White (Glasgow) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Roseanna Cunningham (Minister for Environment)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

Committee Room 6

Scottish Parliament

Rural Affairs and Environment Committee

Wednesday 9 June 2010

[The Convener *opened the meeting at 10:02*]

Decision on Taking Business in Private

The Convener (Maureen Watt): I welcome everyone to the 15th meeting this year of the Rural Affairs and Environment Committee. The main purpose of today's meeting is to consider amendments at stage 2 of the Crofting Reform (Scotland) Bill. Before that, we have subordinate legislation to consider.

I remind everyone to turn off their mobile phones and brambles, please, as they impact on the broadcasting system.

The first item of business is consideration of whether to take in private agenda item 4, under which the committee will consider its approach to forthcoming legislation on wildlife and the natural environment. Do members agree to take that item in private?

Members *indicated agreement.*

Subordinate Legislation

Air Quality Standards (Scotland) Regulations 2010 (SSI 2010/204)

Plant Health (Scotland) Amendment Order 2010 (SSI 2010/206)

Plant Health Fees (Scotland) Amendment Regulations 2010 (SSI 2010/207)

10:03

The Convener: Agenda item 2 is consideration of three negative Scottish statutory instruments: the Air Quality Standards (Scotland) Regulations 2010, the Plant Health (Scotland) Amendment Order 2010 and the Plant Health Fees (Scotland) Amendment Regulations 2010.

The Subordinate Legislation Committee has made no comments on the instruments, no member has raised concerns about any of the instruments in advance of the meeting, and no motions to annul have been lodged. Do members have any comments?

Liam McArthur (Orkney) (LD): I will be brief. On SSI 2010/206 and SSI 2010/207, the case that has been made for the approach that is being taken seems to be pragmatic, and I support it, but it perhaps flags up the wider issue of the cumulative impact of regulation. It would be helpful—certainly for me and perhaps for other committee members—to get an update from the Government on how it seeks to address the cumulative impact of regulation. I think that there was an earlier commitment, if not to a one-in, one-out approach, to look to scale back the level of regulation. SSI 2010/206 and SSI 2010/207 are a useful peg on which to raise that issue with ministers.

The Convener: That would probably be difficult, as a European Council directive is involved.

Liam McArthur: Notwithstanding that, the commitment was there from ministers. Many provisions of this sort come from Europe, and the commitment was made in that context.

The Convener: We can write a letter to the Government and ask for its views on the matter.

Do we agree not to make any recommendations in relation to the instruments?

Members *indicated agreement.*

Crofting Reform (Scotland) Bill: Stage 2

10:05

The Convener: We come now to consideration of stage 2 amendments to the Crofting Reform (Scotland) Bill. Members should have in front of them a copy of the bill, the marshalled list of amendments and the groupings. I welcome the Minister for Environment and her officials to the meeting.

Before section 3

The Convener: The first group is on community maps and plans. Amendment 227, in the name of Peter Peacock, is grouped with amendments 228, 231, 234, 237 to 241, 244, 245 and 247 to 259. I draw members' attention to the pre-emption information on the groupings paper, although I advise members that that information contains a mistake: amendment 258 pre-empts amendment 226, not the other way round.

Peter Peacock (Highlands and Islands) (Lab): All the amendments in the group are mine although, while they are important in principle, they are small in number compared with all the other amendments that have been lodged for today.

It is my intention to argue and vote against the entirety of part 2 of the bill. This could be a long day, but colleagues will be delighted to know that, although I will speak for a reasonable time to the amendments in this group, and briefly on the next group, with a bit of luck I do not intend to say anything thereafter, so as to ease the stage 2 process.

Amendment 227 creates an opportunity for a debate around a proposal that could form the basis of community mapping. The committee has received a lot of evidence about that process over the past months, and the committee thought that there was merit in the ideas that were contained in that evidence. Amendment 227 would encourage community mapping: it would allow the new crofting commission and others to work together to support it. The measures would facilitate a process for cataloguing or recording a community's aspirations, which would record actual and potential land uses and any impediments to the community's vision for the future. The provisions would allow the community to get together with the landowner and others on a voluntary basis to use the legion of maps that we now know exist in one form or another to map the community, the crofts and the common grazings. The amendment provides for the crofting

commission to hold such community plans and maps and utilise them in its regulatory work.

I lodged amendment 227 as a probing amendment, to allow discussion. With the right incentives, its measures would support the activity that I have just described, and I believe that agencies such as Highlands and Islands Enterprise would help with that process, allowing for progress to be made over the coming years. I look forward to hearing what members have to say about all that. I will be happy to return with a refined version of the amendment at stage 3, based on the comments that are made today.

The committee was fundamentally divided on the question of the new register that part 2 proposes. For me, the bill is principally about the regulation of crofting, and I do not see the proposed register as being vital to its regulation. Given that it could take in excess of 40 years to complete, I do not believe that anyone can hold that such a register is essential to regulate crofting in the coming years.

The proposed register will be expensive to create, with estimates of Government costs running to well in excess of £1 million. At a time of economic stringency, that is a cost that could easily be avoided. Furthermore, the register requires to be self-financing in its operation, consistent with the practices of Registers of Scotland. That means that crofters will have to pay the costs, over time. The registration fee is bound to rise from the current estimates. Consideration needs also to be given to the cost of advertising registration and to the potential costs of having a map drawn up and of someone defending their interests in the Scottish Land Court, should that prove necessary. Such costs to crofters are not necessary, particularly as the register that part 2 proposes would not replace the current register, but would exist in addition to it. We would have two forms of croft register: one kept into the future by the crofting commission to assist with its regulation of crofting, and a second one to be kept in Edinburgh by the keeper of the registers, who has nothing to do with croft regulation per se.

The current Crofters Commission is often criticised for not keeping its register fully up to date. The commission contends, as we heard in evidence, that the register is more up to date than people think that it is. However, in any event the Scottish Government is to give the commission more funding, to ensure that its register is brought fully up to date, which is essential so that it can form the basis for the electoral roll for future elections to the crofting commission. Therefore, the one matter on which the commission has been criticised in relation to the register will soon be corrected.

Why then do we need a second register? It is argued that a map-based register is needed to provide certainty on boundaries and thus end boundary disputes in crofting for all time. However, the commission currently asks for maps when it thinks that maps are necessary to help to determine regulatory applications. There seems to be no impediment to the commission itself holding maps.

We heard evidence that the proposed new crofting register, if and when it is completed, will be of assistance to solicitors, conveyancers and the Scottish Land Court, but we heard little evidence that it will be of much assistance to crofters. Indeed, the Scottish Crofting Federation opposes the register and the Scottish Rural Property and Business Association has made representations about its deep reservations about not just particular aspects of the register but the whole register. Given that the register will be held by the keeper of the registers of Scotland in Edinburgh and will need to show precise boundaries, the new register appears to many people to be more like a necessary building-block in a move towards a free market in crofts.

Tales of croft boundary disputes are legendary, but it would be a mistake to believe that all disputes are live, current and on the surface. A fact of crofting life is that people in crofting communities must, for the most part, pull together to live and work together. People find accommodations with each other in the course of doing that. That might involve informal but clearly understood arrangements on the use of certain bits of croft land. Matters that could be disputed by neighbours lie below the surface, not boiling or even simmering in many cases, and for all practical purposes there is certainty about croft boundary arrangements. If issues to do with boundaries come to the surface, as sometimes happens, there is a mechanism to resolve them, through the Scottish Land Court.

Far from doing away with croft disputes, the new register will bring potential disputes to the surface in the years to come. We have all heard that croft boundaries can be complex and do not involve straight lines on a map. Boundaries can vary through the seasons in some places, such as the Uists. People get on with their lives even when, in the background, there is a belief that a boundary on the croft that is being worked is not the exact boundary, for a variety of historical reasons. As soon as there is a requirement to agree for all time the precise legal boundary, which will affect the heritable rights of successors, crofters might well feel obliged to try to put the record straight.

The mechanisms for the new register will trigger dispute after dispute. I am not alone in thinking that: a crofter e-mailed me last week to express

concern about the proposed new register. He said that he had boundaries with 14 other interests around his croft. Not all crofters have so many potential interests to deal with, but my correspondent thinks that the scope for dispute is truly enormous, and he is not alone. I share his view.

Under the proposed new arrangements, if disputes cannot be resolved amicably they will end up in the Scottish Land Court for resolution, which can be an expensive process. I envisage the court being overwhelmed by new cases involving disputes that have surfaced as a result of establishing the new register. Given that people who have a dispute can already go to the Scottish Land Court, I cannot see what the new register adds in that regard.

It certainly cannot be argued that the new register will simplify matters. Nothing illustrates that comment more than the lodging during the past four or five working days of 37 pages of amendments to the provisions on the crofting register, which has meant that it has been impossible properly to scrutinise all the proposals. If all the Government's amendments were to be agreed to, part 2 would run to some 50 pages—more than double its original size and bigger than the whole of the bill as introduced—which demonstrates that the original proposals could not have been fully thought through. Fifty pages of detailed regulation would be a lawyer's paradise. Who knows what loopholes some bright young advocate might find? *[Laughter.]*

The provisions are becoming a bureaucratic nightmare. The complexity will add to the new crofting commission's work, given that it will have to do much checking of the accuracy of new registration applications prior to going to the keeper of the registers of Scotland. It is ironic that the commission will use the existing register to help in that purpose.

For all the reasons that I have set out, the proposed new register is unnecessary. It will add bureaucracy, complexity and cost for the Scottish Government and for crofters. Most of all, it will cause many disputes to surface that need not surface, in places where crofters are getting on with their lives and their neighbours, whether or not the precise boundaries of the crofts that are being worked are accurate in every respect.

The bulk of the amendments in the group would remove from the bill the provisions for establishment of the crofting register.

Given the lack of time for detailed scrutiny of the recently lodged amendments, and having read and tried to understand a lot of the detail, I cannot say that I have fully grasped it all. I intend to abstain on votes on those amendments for most of

today and examine the proposals before we get to stage 3.

Amendments 253 and 254 are probing in nature. We have heard that the commission seeks maps to support regulatory applications if it believes that such information is necessary, and I want to put beyond doubt the ability of the commission to ask for and hold such maps to assist its regulatory functions. If the minister can give me an assurance on that, I might not press the amendments.

I move amendment 227.

10:15

Bill Wilson (West of Scotland) (SNP): Convener, we are going to have a fascinating debate tonight—

Members: Tonight?

Bill Wilson: Part of the motion for tonight's members' business debate asks Parliament to

"welcome the urgent mapping of tracks by reviewing current knowledge of track location".

The motion has been signed by quite a few interesting names, and Peter Peacock's is quite prominent. Apparently, therefore, it is important to map hill tracks, we know that it is important to map the boundaries of agricultural farms but, for some reason, croft boundaries should not be mapped. A person can own a croft and not know or have any evidence of its precise boundaries and someone can rent or tenant a croft and have no concept of its precise boundaries.

I accept Peter Peacock's argument that those boundaries are generally known—it is probably true—but the committee took evidence on the concern that that knowledge is slowly but surely vanishing. If certainty about boundaries vanishes completely and we have no knowledge of croft boundaries and no one can quite remember where they are, how will we settle disputes in 30 years? It does not seem rational to say that there is no benefit or certainty in crofters and their descendants having clear knowledge of their croft's boundaries.

It is entirely logical that the keeper should hold the register because he already has the required experience in relation to agricultural land. Why would he not hold the other register? There is no problem with accessing it. In this day of computers, the keeper can quite easily put a map on a centrally held database and let anyone access it. It is not as if the commission will not be able to access the register of maps.

The register should be built by the people who have experience of building registers instead of our saying to the commission, "You have never

done this before, but would you mind doing it for us?"

Liam McArthur: Like Peter Peacock, I am conscious of the time constraints today. My name appears alongside Peter's on many of the amendments, and I associate myself with his concerns. As he indicated, those time pressures are due in part to the high volume of Government amendments that have been lodged at stage 2. I echo his concern that that has left committee members with little time to take evidence or solicit the views of the stakeholders, who have also expressed concern about the timing and the volume of amendments. The fact that the Government has lodged so many amendments suggests that there is some confusion in its approach. We addressed the Cunningham-Whitbread loophole last week, but it might be that as one loophole closes, any number of them open up in other areas.

My name is attached to amendments 228 to 252 in the group, which are those that seek to remove the requirement for a costly and unnecessary map-based register to be held by Registers of Scotland. As the Scottish Crofting Federation observed earlier, the proposed register is for the benefit of anyone except the crofters who are being asked to pay for it. I restated my position on that during the stage 1 debate. During our evidence-taking, the federation and the SRPBA grew increasingly sceptical about the value of such a register, and that is telling.

The Government has estimated the capital costs at up to £1.5 million, with a project set-up cost of almost £0.25 million and on-going costs, which are to be borne by crofters, of £100,000 per year.

The minister has made some welcome concessions on community mapping, and I acknowledge the progress that we have made in putting more of the onus in the early stages on a community mapping exercise. It would be helpful, however, if she went further.

Amendment 227 begins a process of fleshing out what that community mapping might entail. Although a cost would be incurred, that cost would be modest and would have the advantage of not bringing to the surface disputes that need not arise. In these times of austerity, when savings are to be made across the board, I am not entirely sure why we are proceeding with the map-based register that the Government envisages, when an alternative and less costly mechanism clearly exists.

John Scott (Ayr) (Con): I begin by noting that, Peter Peacock's comments notwithstanding, the SRPBA and the SCF supported the development of effective, map-based registers.

I do not accept Peter Peacock's premise that the map-based register will lead to disputes. I would not be as strident as Bill Wilson has been, but I think that, in many cases, people will come to agreements about boundaries and that the disputes that Peter Peacock mentions will not materialise, because people will be reasonable and come to an agreement about where the median lines are and will establish the boundaries and get on with their lives.

Like others, I share concerns about the sheer volume of amendments. However, in fairness to the Government, some of the amendments address issues that were raised during stage 1, which means that this is a case of people needing to be careful what they wish for.

Amendments 253 and 254, in Peter Peacock's name, are worthy of further consideration. I will be interested to hear what the minister has to say about the commission asking for maps.

As Liam McArthur said, community mapping could be developed further, perhaps on a rolling township-by-township or county-by-county basis. We are where we are at the moment, but there might be further work that could be done in that regard.

The Minister for Environment (Roseanna Cunningham): In our view, amendment 227 represents a complete failure to grasp one of the single biggest problems facing crofting, which is that there is no accurate or reliable map-based register of land held in crofting tenure. To listen to Peter Peacock, one would think that there are no problems in crofting, but we all know that there are. It seems that everyone agrees that there are things about crofting that need to be fixed, but when proposals are made on how to fix them, the consensus begins to break down. It was ever thus, of course. It is always easier to attack a proposal than it is to come up with an alternative.

I do not want the committee to be fooled for one second into thinking that the community maps would provide a solution to the problem of the lack of any accurate or reliable map-based register. They would not. The lines on the maps would mean absolutely nothing. Crofters would continue to find themselves in the land court, defending their tenancies or the boundaries of their crofts. In fact, Peter Peacock's proposals are more likely to raise disputes, with no mechanism whatever for their resolution. That begs the question, what is the point of the amendments in group 1?

In my view, the proposal has nothing to do with the effective discharge of the commission's function. It would not even lead to a complete mapping of croft land, as the commission could assist only on the request of a crofting community and, in every case, would have to consider

whether it was appropriate for it to do so. It is not for the benefit of crofters, as they would get no security from the community maps if nothing that they contain can be relied on to mean anything. It certainly is not for the benefit of anyone else if the taxpayer has to pay for what, in effect, would be a big white elephant with no concrete result.

What we are proposing addresses all those issues. It will provide a meaningful register of land that is held in crofting tenure that will offer greater legal certainty to crofters over their tenancies and the boundaries of their crofts.

Nothing will have effect unless it is entered into the register. That will ensure that the register is accurate and will improve the administration of crofting. We have offered to build the register, but the cost of operating it should be borne by users. That represents a balanced and fair deal for crofters and the taxpayer—of course, crofters are, themselves, taxpayers.

I could cite many quotes in support of the register, just as others could cite quotes against the proposal. Indeed, quotes in support and against come at times from the same individuals. The timescales for dealing with amendments are as laid down by the Parliament. Much of what the Government has put before the committee today is as I indicated at stage 1—indeed, as John Scott said, many amendments are a direct response to committee recommendations. We listened to the desire for a community-led approach and we responded by offering to postpone the introduction of the mandatory trigger points for a year from the date that the crofting register opens for business.

Given that it will take 18 months to build the register, we are looking at the summer of 2013 before the trigger points may be introduced. That gives crofting communities three years to map their land. If they do that, they will be able to take advantage of the discount on the registration fee that we are making available to crofters when groups of 10 or more crofts in a crofting community are registered at the same time. Indeed, providing and incentivising community mapping allows all the informal agreements to which Peter Peacock referred to be progressed. If plenty of crofts are registered through the voluntary approach, and the keeper's costs are being met, the Government has the option of postponing the introduction of the mandatory trigger points by a further year. That would take us to 2014. The option represents a good compromise and a sign of the Government's willingness to listen to and encourage a community-led approach.

I strongly urge committee members to reject what is, in effect, a big, expensive white elephant of an amendment—or group of amendments. I ask members not to agree to amendments 228, 231,

234, 237 to 241, 244, 245 and 247 to 259. Taken together, they seek to remove from the bill the proposal for a crofting register.

I have one or two other points to make. A few weeks ago, I had to have officials respond to Peter Peacock's allegations that the Government was going to criminalise crofters. Therefore, imagine my surprise on discovering that, under one of Peter Peacock's amendments, crofters who have been served with a notice to provide the commission with a map and who fail to do so would commit an offence that is liable on summary conviction to a fine of an amount not exceeding level 1 on the standard scale. That suggests to me that Peter Peacock's response to the Government is based less on principle than on what he considers to be tactically expedient at the time.

I ask members to compare that approach with the Government approach under which registration and provision of a map need to occur only when a change in the extent or main interest in a croft has taken place and not at the whim of the commission. In effect, Peter Peacock is suggesting the latter: it would be done at the whim of the commission and not at a point at which change takes place. Under our proposals, if a tenant crofter fails to comply, he will not be criminalised. All that would happen is that the regulatory application that he has made would not be processed. If the application is for a change to a croft that is already registered on the crofting register, the change would not take effect unless it is entered on to the register. We have had to create offences for changes that are not within the regulatory control of the commission such as the transfer of owner-occupied crofts. That is the limit of such offences, which are necessary to keep the register complete and accurate. I think that crofters might be alarmed to know that Mr Peacock is trying to give the commission the power to serve notice, at any time, on crofters to provide maps for which failure to do so is a criminal offence.

I strongly urge the committee to reject all the amendments in the group, including amendment 227, which I omitted from the list that I gave earlier. I urge the committee to agree to a proper register of land that is held in crofting tenure, which many stakeholders agree is central to providing a secure future for crofting.

Peter Peacock: As I said at the outset, we fundamentally disagree about the register, as the debate has demonstrated. I recognise that the views on either side are genuine, but they are very different.

I will pick up on some of Bill Wilson's points. He made an interesting point about hill tracks, and I hope that he will attend the debate tonight to support my motion.

10:30

Bill Wilson: I have signed the motion—I like maps, Peter.

Peter Peacock: Indeed—I was just about to point that out. Thankfully there are not 18,000 hill tracks, and we are—or I am—not suggesting that in order to deal with them we use a procedure like the one that has been suggested for crofting.

Bill Wilson is mistaken in implying—unless I misunderstood him—that all tenant farms had to be mapped and registered. That is not the case, although it may come about in the future; I do not know. One cannot say in this context that tenant crofters would be treated the same as tenant farmers. Bill Wilson said that there was no real alternative to the register, but my suggestion about community mapping was a first attempt to define the situation, and was lodged in the spirit of a probing amendment.

Bill Wilson asked what would happen if in 30 years' time the collective memory and the last experience of the crofting community had gone. However, the register will not be completed within 30 years, so that concern still applies to it. It is nice to debate these points, and I could go on making them forever, but I will not, because we will not persuade each other.

I fundamentally disagree with John Scott's point that the register will not lead to disputes. I am certainly not alone in believing that it will, which would be very regrettable.

On the minister's point about amendment 227, I said—and I stick to it—that it was lodged in the spirit of suggesting an alternative. It is not an alternative that I have invented, but something that has come out of practical work undertaken by the Scottish Crofting Federation. The SCF, which represents a substantial number of crofters, believes that it would be a preferable way forward.

I do not believe that there are no problems in crofting; it is clear that there are. However, the biggest problem is economic rather than to do with regulation. Most crofters simply want to get on with crofting and worry only about how they make a return from it.

If there are problems with boundaries and agreement cannot ultimately be reached, matters can go to the land court. That will be the case under the Government's new proposals for the register and all the related triggers, just as it is in the current situation. The land court is the final arbiter today, under the current arrangements, and it will be in the future. As that will not change, why should we put in all the bureaucracy in between?

I understand the minister's point—at which John Scott also hinted—that it is possible to find quotes from some people which suggest that they

simultaneously agree with and oppose the register. However, I hazard the suggestion that that is because people's views have changed as they have seen the detail on the register unfold. They think that maps have something to offer—the commission can currently ask for maps, and we could strengthen that in a variety of ways—but their view has changed because of the sheer scale and complexity of the scheme and all that goes with it. We should not criticise people for that, but recognise their maturing recognition of what is happening.

I acknowledge that the minister has made some concessions to try to postpone the trigger point for a period of time. I do not think that those concessions go far enough, but we might come back to that later. On the issue of tactics, there are tactics involved in any bill on any given day and in any particular group of amendments.

Today I will vote against every part of the provision for the register, notwithstanding the other amendments in my name, because in principle it will not add anything to crofting. It will detract considerably from crofting in terms of the dynamics that it will create and what might happen, particularly in the short term, which is why I will continue to do what I set out to do at the beginning.

The Convener: The question is, that amendment 227 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

There is a tie, so as convener I exercise my casting vote against the amendment.

Amendment 227 disagreed to.

Section 3—The Crofting Register

Amendment 228 moved—[Peter Peacock].

The Convener: The question is, that amendment 228 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I exercise my casting vote against the amendment.

Amendment 228 disagreed to.

Section 3 agreed to.

Section 4—First registration

The Convener: Amendment 89, in the name of the minister, is grouped with amendments 229, 90, 94, 230, 103, 104, 232, 106, 107, 108, 233, 118, 235, 236, 191 and 192. I draw members' attention to the pre-emption information on the groupings paper for the grouping for section 4.

Roseanna Cunningham: This group of amendments concerns the trigger relating to the change of ownership both in respect of first registration and subsequent registration. I know that there has been much discussion around this topic, and there appears to be a majority against the change of ownership being a trigger for first registration in respect of the transfer of estates, in particular estates that include a large number of crofts. I have listened to the arguments and I accept that there may be consequences for the transfer of estates both to private and to community landowners. However, I think that we are agreed—in so far as we can agree—that the transfer of owner-occupied crofts should remain a trigger. That is why the Government has lodged amendments 89, 90, 94, 103 and 104. Their purpose is to separate the triggers for transfer of estates and for transfer of individual owner-occupied crofts. That was done in anticipation of this discussion and of forthcoming amendments from committee members on the transfer of estates.

Therefore, I am happy to accept both Peter Peacock's amendment 229 and John Scott's amendment 230, and I hope that they will accept our amendments 89, 90, 94, 103 and 104 to section 4. In the event that the committee also agrees to amendment 89, we may lodge technical amendments in respect of the drafting of amendment 230. I would, however, urge both Peter Peacock and John Scott not to move amendments 232 and 233, because I think that, for crofts that have already been registered on the

crofting register, a subsequent change in ownership should be a trigger for subsequent amendment, otherwise we will end up with a crofting register that is almost immediately inaccurate in respect of the ownership of land for crofts that are registered. I am sure that that is not what John Scott and Peter Peacock were thinking about. It is a significant problem already in relation to the current administrative register, in which changes in respect of the landowner are not routinely reported.

The cost of amending the land ownership details for crofts that are already on the crofting register is likely to be significantly less than the cost of first registration, because crofts will not need to be mapped. There is unlikely to be any challenge to this change in the register. All that is required is a change in the name of the landowner—that is it.

I ask committee members to support my amendments 106, 107, 108 and 118, which provide for the trigger of the transfer of ownership and change of landlord to be registered for crofts that are already registered. I also ask Peter Peacock not to move amendments 235 and 236 on the basis that my amendments 122 and 232 will deliver the same thing, which is to change the requirement for applications to be submitted in respect of the transfer of the ownership of estates. As the transfer of ownership of croft land is not subject to regulation, we need some form of incentive to ensure that the register is kept up to date. Whereas with regulatory triggers the sanction will simply be that the action that was applied for will not take effect without registration, it is necessary to introduce a different sanction in the form of an offence where the register is not updated following a transfer of ownership. As I have mentioned, failure to notify the commission of transfers of ownership is one of the key reasons why the current administrative register is so hopelessly out of date. Amendment 191 therefore provides that a landowner who fails to register could face a fine. Amendment 192 provides that the crofting register's not being updated to reflect a change of landlord may also result in a fine.

If the committee decides to remove section 4(1)(b)(i) in accordance with amendment 229, the Government will lodge stage 3 amendments to remove references to that section. I hope that the committee will agree that the amendment will deliver the outcome that the committee seeks in terms of removing the trigger relating to transfer of estates, while ensuring that the transfer of owner-occupied crofts is captured and that changes in the ownership of crofts that are on the crofting register are also captured, thereby keeping the crofting register up to date.

I move amendment 89.

Peter Peacock: As the minister indicated, notwithstanding the disagreement about the fundamental principles of the register, the committee was completely agreed that, if such a register were to exist, a change in ownership of the land should not be one of the triggers for registration. As the minister hinted, in the case of many Highland estates, it could run to several hundred crofts in any one instance, which seems to me to be impractical.

However, my main reason for concern arose from the evidence that we heard from Simon Fraser about the potential impact of the trigger on the process of communities buying their land. He is probably the solicitor in Scotland most experienced in land transfers to communities. He has dealt with most, if not all, the big historic land buy-outs in the Highlands and Islands, so what he says about such matters deserves to be listened to carefully. He gave as clear a bit of advice as I could ever hope to hear, which was that if the provision were enacted, we might see no more community buy-outs. That is not something that anybody present would want to contemplate.

Therefore, I am pleased at what the minister said about her intention to accept amendments 229 and 230, albeit that she may have to come back at stage 3 and tidy up bits of the bill, depending on what happens today. I recognise that that is a significant concession but, although I am pleased about that, I remain opposed to the principle of the register. Therefore, I intend to move my amendments in the group with the exception of amendments 235 and 236, which the minister said one of her amendments covered. I will probably not win the vote on them, so the minister can do whatever tidying up is required at the end of the process.

John Scott: As Peter Peacock said, amendment 229 will remove the trigger for first registration of a croft when the ownership of a whole estate, whether owned by a community landlord or traditional landlord, is transferred. Removal of that trigger will save community and traditional estates many thousands of pounds and ensure the future development of community-owned estates. Simon Fraser drew our attention to that, and I share his view that it is vital. I support amendment 229 fully and thank the minister for accepting it.

Amendment 230 supports amendment 229 and provides that the transfer of ownership of any land on which a croft is situated shall not be added as a step under section 4(4). It also prevents the Scottish ministers from reinstating the estate transfer trigger for first registration at a later date. I thank the minister for her support for the amendment.

Amendments 232 and 233 seek to remove the estate transfer triggers for crofts that have already been registered. Again, that would reduce the burdens on community and traditional estates. However, I accept that, notwithstanding our best intentions, Peter Peacock and I did not get the amendments absolutely right. I concede the minister's view that they would make the register inaccurate and, given my support for the register, that is not something that I wish to make happen. Certainly, it was not my intention, so I will consider my position on the amendments in a moment.

The Convener: I call the minister to wind up.

Roseanna Cunningham: Nothing need be added. Most people understand where we are coming from on the matter and we have accepted the significant issues that have been raised throughout the debate on the bill. I press amendment 89.

The Convener: The question is, that amendment 89 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 89 agreed to.

The Convener: If amendment 229, in the name of Peter Peacock, is agreed to, I cannot call amendment 90 on the ground of pre-emption.

Amendment 229 moved—[Peter Peacock]—and agreed to.

10:45

The Convener: Amendment 91, in the name of the minister, is grouped with the amendments 92, 93, 95 to 101, 78 to 82, 102, 83, 109 and 111 to 117. I draw members' attention to the pre-emption information that is provided with the groupings.

Roseanna Cunningham: There are quite a few amendments in this group, but they can be described quite succinctly. The amendments seek to refine the trigger points for registration to ensure that the register is complete and accurate. They will change the triggers for first registration and for subsequent amendments to registered crofts.

Amendments 78 to 82 and 89 to 104 all relate to triggers for first registration, and amendments 83, 109 and 111 to 117 relate to triggers for subsequent registration.

I am conscious that the group contains a lot of amendments, so if it would be okay with committee members, I will give an example of each of the areas that the two sets of amendments deal with so that members can get an idea of the situations that we are talking about. If members then want to ask specific questions, I will be in their hands.

An example of a trigger for first registration is in amendment 78, which will require an application for registration to be made in cases in which a croft is let as a result of the commission requiring a landlord to submit proposals to re-let a vacant croft, or in which a croft is let as a result of the commission advertising the tenancy of a croft. That is an obvious proposal, if one thinks about it.

An example of a trigger for subsequent registration is in amendment 112, which provides for a trigger when the commission divides a registered croft or owner-occupied croft as part of enforcement action that has been taken against the crofter/owner-occupier crofter.

I would be happy to expand on each of the amendments, if members wish it.

I move amendment 91.

The Convener: No other members wish to speak, and the minister has no further comments.

The question is, that amendment 91 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 91 agreed to.

Amendment 92 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 92 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 92 agreed to.

Amendment 93 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 93 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 93 agreed to.

Amendment 94 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 94 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 94 agreed to.

Amendments 95 to 101 and 78 to 82 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 95 to 101 and 78 to 82 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendments 95 to 101 and 78 to 82 agreed to.

Amendment 230 moved—[John Scott]—and agreed to.

Amendments 102 to 104 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 102 to 104 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendments 102 to 104 agreed to.

The Convener: Amendment 105, in the name of the minister, is grouped with amendments 187, 87, 188 to 190 and 193 to 195.

Roseanna Cunningham: The amendments that are grouped with amendment 105 relate to undertakings that we made earlier in the process in respect of common grazings. They provide for registration of common grazings and land that is held runrig, which is another form of land that is held in common. We consulted on our proposals to include the registration of common grazings during the consultation on the draft bill but,

unfortunately, time did not allow us to include the provisions in the bill at its introduction. At stage 1, we flagged up our intention to lodge amendments on the matter.

I will summarise the policy. At the outset, the Government acknowledged that registration of common grazings would require a different approach from registration of individual crofts, since the very nature of common grazings means that there are a large number of interests in the land—some grazings can have literally hundreds of shareholders. On the basis that it would not be fair to give any one person the responsibility for mapping those communal areas or for bearing the cost of that, the Government has agreed to pay for their registration. Therefore, amendment 187 makes provision to allow the first registration of an unregistered common grazing by the crofting commission and to require new common grazings to be registered. There are no mandatory triggers for first registration of a common grazing. Instead, the commission may make an application for first registration on a voluntary basis. However, it will be necessary to register new common grazings.

Amendment 87 provides the range of regulatory triggers that require an application to amend the registration details of a registered common grazing. They include the event of ownership of the land on which the common grazing is situated being transferred. However, I reassure members that that would not be an expensive operation, because the common grazings would already have been mapped by that point.

Amendment 105 is a minor technical amendment. Amendment 188 sets out the application process for registration of new common grazings and of events that affect a registered common grazing. That mirrors the application process for crofts. The applicant must submit the application to the crofting commission, which will check it and forward it to the keeper of the registers of Scotland. The amendment also sets out the process for registration of a common grazing by the commission. The commission must consult the owner of the land on which the common grazing is situated and the grazings committee or constable before submitting the application. Where there is no grazings committee or constable, the commission must notify all those who hold a right in the grazing.

Amendment 189 provides for the schedule that will be inserted by amendment 195 to have effect. That schedule applies sections 7 to 17, which apply to crofts, to common grazings. That includes matters such as notification, challenge, indemnification and rectification. In effect, it means that the sections that relate to individual crofting applications and registrations are mirrored exactly by the sections that relate to common grazings.

Amendment 190 makes provision to insert a new section into the Crofters (Scotland) Act 1993 to provide that new common grazings created under that act must be registered. The new common grazing cannot be entered on the register until the period of challenge under the 1993 act has elapsed. The land will become a common grazing upon registration.

Amendment 193 provides that where a landowner fails to register a transfer of land when a registered common grazing is situated on that land within one year, that landowner commits an offence. Again, that is a mirror provision.

Amendment 194 allows for the first registration of unregistered land held runrig on a voluntary basis by the crofting commission after consultation of the landowner and all those who are holders of the land held runrig. It also makes provision to require an application to amend the register where registered land held runrig is apportioned. Applications for subsequent registration must be submitted to the commission, which will check them and forward them to the keeper.

I move amendment 105.

John Scott: I will deal with amendments 187 to 190, which deal with registration of common grazings. The Government has indicated that it would register all common grazings, but the amendments seem to state that the commission may make the application for first registration except in the case of new common grazings under section 51A of the 1993 act, where the commission must apply for registration. That means that there is apparently no certainty as to when, or indeed whether, common grazings will be registered. We need to get on the record what the Government's intentions are. Before submitting an application for registration of the common grazings, the commission must consult the owner and grazings committee—we understand that—but there is no right for the owner or grazings committee to make representations. That is important for a landlord or a grazings committee that might want to challenge whether land is or is not part of common grazings. I would be grateful if the minister could address that point. If I have somehow missed the point, I would be happy if she could provide me with a reasonable explanation.

Roseanna Cunningham: The amendments that effectively mirror sections 7 to 17 mean that all the challenge processes that exist in respect of crofting will exist in respect of common grazings and runrig. The challenge processes will remain the same as they are for crofts on the basic register. We have effectively transferred sections 7 to 17. They are not simply read out, but that is effectively what will happen. The challenge

processes will exist and they will be the same as they are for any other part of the bill.

There is a distinction between new common grazings and existing common grazings. Obviously, when new common grazings come into being, that is a useful and effective time immediately to register them. For existing common grazings, the approach is much more voluntary. The commission may ask for registration and it may not. I appreciate that that means that people will not necessarily know, but we anticipate that a lot of existing common grazings will want to come forward in the first years anyway and proceed on a voluntary basis.

Landowners are to be consulted by the commission throughout the process. I do not see that there is any difficulty, because if there are any significant issues, they will become evident fairly early on and they will have to become part of the process. As I said, the existing provisions in respect of challenge will also apply here in any case.

The Convener: The question is, that amendment 105 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 105 agreed to.

Amendment 231 moved—[Peter Peacock].

The Convener: The question is, that amendment 231 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 231 disagreed to.

Section 4, as amended, agreed to.

Section 5—Registration of events affecting registered crofts

Amendment 232 moved—[Peter Peacock].

The Convener: If amendment 232 is agreed to, amendments 106, 107, 108 and 83 will be pre-empted.

The question is, that amendment 232 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 232 disagreed to.

Amendments 106, 107, 83 and 108 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 106, 107, 83 and 108 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendments 106, 107, 83 and 108 agreed to.

Amendment 109 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 109 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 109 agreed to.

11:00

The Convener: Amendment 110, in the name of the minister, is grouped with amendments 186, 213, 214, 221, 222 and 223.

Roseanna Cunningham: The amendments in this group are minor and technical. Amendment 110 will correct a typographical error. Amendment 186 will make provision to remove definitions of “date of registration” and “title sheet” where appropriate. Amendments 213 and 214 are consequential on amendment 215, to enable further amendments to be made. Amendment 221 will make provision to define the bill as passed as “the 2010 act” in the Crofters (Scotland) Act 1993. Amendment 222 will make provision for a definition of “date of registration” in the 1993 act, and amendment 223 will insert definitions of “first registered croft” and “first registration” into the 1993 act.

I move amendment 110.

The Convener: The question is, that amendment 110 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 110 agreed to.

Amendments 111 to 116 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 111 to 116 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendments 111 to 116 agreed to.

Amendment 233 not moved.

Amendment 117 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 117 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 117 agreed to.

Amendment 118 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 118 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)

Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 118 agreed to.

Amendment 234 moved—[Peter Peacock].

The Convener: The question is, that amendment 234 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 234 disagreed to.

Section 5, as amended, agreed to.

After section 5

The Convener: Amendment 119, in the name of the minister, is grouped with amendment 120.

Roseanna Cunningham: Amendment 119 looks like a long amendment, but it is fairly straightforward. Amendments 119 and 120 clarify who will be responsible for applications to register on the crofting register. Without going through each of the provisions, I note that the guiding principle has been that the applicant, in respect of the regulatory application that triggers first registration, will be responsible for first registration—that is fairly obvious.

In relation to subsequent registrations, the beneficiary of the application will be required to register. In some cases, the crofting commission will apply for registration, particularly where it is the consequence of enforcement action.

Amendment 120 provides two tables. The first lists the persons who are responsible for making the application for the first registration of an unregistered croft for each of the trigger events

covered by section 4(3). The second table lists the persons who are responsible for making an application to amend the registration details of a registered croft. That affects the possibility of tidy-up amendments at stage 3.

I move amendment 119.

The Convener: The question is, that amendment 119 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 119 agreed to.

After schedule 1

Amendment 120 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 120 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 120 agreed to.

Section 6—Applications for registration

The Convener: The next group is on applications for registration: general. Amendment 121, in the name of the minister, is grouped with amendments 122 to 125, 129 and 130. I draw members' attention to the information on pre-emption in the groupings paper.

Roseanna Cunningham: The amendments in this group are small and technical, and are

consequential on other changes that are being made to the bill. They are mainly about the disapplication of requirements or the removal of subsections. For example, amendment 121 makes provision to disapply the requirement for the submission of a registration application fee by the crofting commission to the crofting commission when it is the crofting commission that is making the application. That is the kind of thing that these amendments do.

Amendment 122 makes provision to remove paragraphs (b) and (c) of section 6(2), which deal with the registration of a croft following the transfer of ownership of the land on which it is situated or the occurrence of trigger events under section 4(3).

The other amendments in the group are similar. Unless members have specific questions about specific amendments, I will not speak to them.

I move amendment 121.

The Convener: The question is, that amendment 121 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 121 agreed to.

Amendment 122 moved—[Roseanna Cunningham].

The Convener: If amendment 122 is agreed to, I cannot call amendment 235, because of pre-emption. The question is, that amendment 122 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 122 agreed to.

Amendment 123 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 123 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 123 agreed to.

The Convener: Amendment 123 has pre-empted amendment 236.

Amendment 124 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 124 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 124 agreed to.

Amendment 125 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 125 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)

Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 125 agreed to.

The Convener: Someone has been calling for a short comfort break.

11:11

Meeting suspended.

11:17

On resuming—

The Convener: The next group is on applications for registration: grounds for refusing to forward or accept. Amendment 126, in the name of the minister, is grouped with amendments 127, 128, 131 to 134 and 138.

Roseanna Cunningham: This is a relatively minor group of amendments that clarify the grounds for refusing to forward or accept an application to register. Amendment 126 enables the commission to refuse to forward the application if it thinks that it is frivolous or vexatious. Amendment 127 enables the commission to refuse to forward the application if it thinks that it contains a material inaccuracy. Amendment 131 simply defines the term “material inaccuracy”.

Amendment 132 makes it a requirement that the keeper of the registers of Scotland must not accept an application that does not meet the requirements of section 7(2); previously the bill provided for discretion to accept. Amendment 128 is consequential on amendment 132.

Amendment 133 requires the keeper to reject an application that does not contain sufficient information. Amendment 134 removes the requirement for the keeper to reject an application on frivolous or vexatious grounds, as that will be dealt with by the commission under amendment 126. Amendment 138 removes the keeper’s ability to allow an applicant to amend an application for registration that does not comply with the requirements under section 7(2).

I move amendment 126.

The Convener: The question is, that amendment 126 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 126 agreed to.

Amendments 127 to 131 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 127 to 131 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendments 127 to 131 agreed to.

Amendment 237 moved—[Peter Peacock].

The Convener: The question is, that amendment 237 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 237 disagreed to.

Section 6, as amended, agreed to.

Section 7—Acceptance of applications for registration

Amendments 132 to 134 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 132 to 134 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendments 132 to 134 agreed to.

The Convener: The next group is on the registration schedule. Amendment 135, in the name of the minister, is grouped with amendments 139, 140, 145 to 148, 151 to 153, 157, 158, 168, 175, 184, 185, 199 and 224 to 226. I draw members' attention to the pre-emption information in the groupings paper.

Roseanna Cunningham: This group of amendments is relatively minor. It simply changes the name in the crofting register from "title sheet" to "registration schedule". The change is proposed in order to avoid confusion as the term "title sheet" is already used in the land register for a different purpose.

Amendments 135, 139, 140, 145 to 148, 151, 152, 157, 158, 168, 175, 184, 185 and 224 all change the name and have exactly the same effect. Amendment 153 provides the Scottish ministers with the power to make an order to include additional information that must be entered in the registration schedules of crofts. Amendment 199 requires the keeper to make up and maintain a registration schedule for a new croft that is created as a result of a division under proposed new section 26G of the 1993 act. Amendment 225 inserts a definition of "registration schedule" in the 1993 act, and amendment 226 inserts a definition of "registration schedule" in the interpretation section of the bill.

I move amendment 135.

The Convener: The question is, that amendment 135 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 135 agreed to.

The Convener: The next group is on overlapping boundaries. Amendment 136, in the name of the minister, is grouped with amendment 150.

Roseanna Cunningham: Amendments 136 and 150 are intended to ensure that there are no overlapping boundaries on the register. Amendment 136 allows the keeper to accept an application for registration even if it includes land that is registered as part of another croft, or a common grazing or land held runrig.

Amendment 150 provides that, where an application is made for registration of a croft that includes land that is already registered as part of another croft, or a common grazing or land held runrig, the keeper may not include the overlapping area in the registration schedule for the croft, but may register it without that overlapping area. Any dispute over an overlapping area should be resolved in the Land Court through a challenge under section 12. The amendments contribute to ensuring that the registration process is workable.

I move amendment 136.

The Convener: The question is, that amendment 136 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 136 agreed to.

The Convener: The next group is on reorganisation schemes: registration. Amendment 137, in the name of the minister, is grouped with amendments 141, 144, 155, 160, 165 and 216.

Roseanna Cunningham: These amendments relate to registrations that arise out of reorganisation schemes. Such schemes are rare, and are prepared when the commission reorganises a township in order to secure the preservation or the better development of the township.

An appeal is available under the 1993 act in relation to reorganisation schemes. That means that there is no need for a right to challenge the registration of a croft that is registered as a result of the preparation of such a scheme and, as a result, this group of amendments excludes such crofts from various provisions of the bill.

Amendment 137 states that the provision in section 7, whereby the date of receipt of an application for registration is deemed to be the date of registration, provided that no challenge has been made under section 12 or that any such challenge has not resulted in the croft being removed from the register, does not apply when the croft is registered as a result of the preparation of a reorganisation scheme.

Amendment 141 seeks to disapply the requirement for the keeper to note that a first registration may be challenged under section 12 on a certificate of registration when the croft is registered as a result of the preparation of a reorganisation scheme.

Amendment 144 seeks to exclude crofts that are first registered as a result of a reorganisation scheme from the application of section 9, which requires the keeper to amend the register and issue a certificate confirming that the registration of a croft may no longer be challenged under section 12 once the challenge period has expired and any challenge has been withdrawn or determined.

Amendment 155 seeks to disapply the requirement in section 11 to notify persons with an interest in the first registration of an unregistered croft when the first registration is a result of the preparation of a reorganisation scheme.

Amendment 160 seeks to disapply the need for public notice to be given in respect of first registration as a result of a reorganisation scheme, and amendment 165 seeks to prevent a first registration from being challenged under section 12 when a croft is registered as a result of a reorganisation scheme.

Amendment 216 seeks to amend section 39 of the 1993 act to require the commission to submit registration applications for unregistered or registered crofts that are formed or changed as a result of reorganisation schemes.

I move amendment 137.

The Convener: No member wishes to speak.

The question is, that amendment 137 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 137 agreed to.

Amendment 138 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 138 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 138 agreed to.

Amendment 238 moved—[Peter Peacock].

The Convener: The question is, that amendment 238 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)

Scott, John (Ayr) (Con)

Watt, Maureen (North East Scotland) (SNP)

Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 238 disagreed to.

Section 7, as amended, agreed to.

Section 8—Completion of registration

Amendments 139 to 141 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 139 to 141 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)

Scott, John (Ayr) (Con)

Watt, Maureen (North East Scotland) (SNP)

Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)

McArthur, Liam (Orkney) (LD)

Murray, Elaine (Dumfries) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendments 139 to 141 agreed to.

The Convener: We move on to applications by the commission. Amendment 142, in the name of the minister, is grouped with amendments 143, 154 and 159. I draw members' attention to the pre-emption information that is provided in the list of groupings.

Roseanna Cunningham: This group of amendments relates to applications by the commission to the keeper in relation to the crofting register. Amendment 142 seeks to provide that, when the commission has applied for registration of a croft, it must send a copy of the certificate of registration to the crofter. Amendment 143 seeks to make provision to disapply the requirement in section 8(3) for the keeper to forward a copy of the first registration certificate to the commission when the croft is registered as a result of a reorganisation scheme or a division under proposed new section 26G of the 1993 act. In such cases, as the commission will be the applicant for registration, it will receive a certificate under section 8(2).

Amendment 154 will require the commission to carry out the notification procedures under section 11 when it is the applicant for first registration of a croft and receives a certificate of registration from the keeper, as well as when the croft is registered by someone else. Amendment 159 provides that the six-month challenge period in relation to a croft for which an application to register has been made will begin when the commission receives a certificate of registration for that croft.

I move amendment 142.

The Convener: No other members wish to speak.

The question is, that amendment 142 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)

Scott, John (Ayr) (Con)

Watt, Maureen (North East Scotland) (SNP)

Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)

McArthur, Liam (Orkney) (LD)

Murray, Elaine (Dumfries) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 142 agreed to.

Amendment 143 moved—[Roseanna Cunningham].

11:30

The Convener: The question is, that amendment 143 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)

Scott, John (Ayr) (Con)

Watt, Maureen (North East Scotland) (SNP)

Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)

McArthur, Liam (Orkney) (LD)

Murray, Elaine (Dumfries) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 143 agreed to.

Amendment 239 moved—[Peter Peacock].

The Convener: The question is, that amendment 239 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 239 disagreed to.

Section 8, as amended, agreed to.

Section 9—Completion of registration: further provision on first registrations

Amendment 144 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 144 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 144 agreed to.

Amendment 145 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 145 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 145 agreed to.

The Convener: Amendment 84, in the name of the minister, is grouped with amendments 85 and 86.

Roseanna Cunningham: This group of amendments relates to section 9 and to first registration. Amendment 84 lists the trigger events that are not regulatory applications and will therefore not lead to a change to the croft. Where a regulatory application triggers first registration, the keeper will amend the register without the need for a separate application where she is notified of a change to the croft as a result of that regulatory application.

Amendment 85 replaces the requirement to notify the keeper of a change to the croft as a result of a trigger event within six months of the certificate of registration being issued, in order that the register could be amended without the need for another application. There is now a requirement that the keeper be notified in accordance with the provisions of section 9, as amended by amendment 86. That allows the register to be amended without the need for a separate application, even where the change to the croft takes effect outwith the six-month period.

Amendment 86 makes provision for the notification of the crofting commission and the keeper of a change to the croft as a result of a regulatory application that triggered the first registration of a croft. That is in order to allow the keeper to amend the register without the need for a separate application for registration. Where the crofter requires to take further action in order to give effect to the regulatory decision, such as concluding a contract, the applicant must notify the commission, within three months of the application being granted, that the change has taken effect. The commission will then notify the keeper of the need to amend the register. If the commission is not notified within three months, any change to the croft is deemed not to have taken effect. Where the regulatory decision takes immediate effect, the commission will notify the keeper as soon as reasonably practical after the decision is made of the need to amend the register.

I move amendment 84.

The Convener: The question is, that amendment 84 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 84 agreed to.

Amendments 85, 146 and 86 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 85, 146 and 86 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendments 85, 146 and 86 agreed to.

Amendment 240 moved—[Peter Peacock].

The Convener: The question is, that amendment 240 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 240 disagreed to.

Section 9, as amended, agreed to.

Section 10—The title sheet

Amendment 147 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 147 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 147 agreed to.

Amendment 148 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 148 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 148 agreed to.

The Convener: Group 14 is on indemnity. Amendment 149, in the name of the minister, is grouped with amendments 176 to 178.

Roseanna Cunningham: This group of amendments relates to indemnity, where a person can be compensated for a loss that they suffer as the result of an error. Amendment 149 is consequential on amendment 177. Amendment 176 makes provision that, where a person has to submit a fresh application for registration or apply to the keeper for rectification of the register as the result of a mistake that the crofting commission has made in forwarding an application to the

keeper, the commission is liable for any loss that the person suffers. Amendment 177 makes provision to remove from the bill sections 10(4) and (5).

The amendments in the group relate to the keeper's power to exclude indemnity and the ability of the Scottish ministers to prescribe circumstances in which there is entitlement for someone to be indemnified. We have responded to the concerns that the Subordinate Legislation Committee raised in its stage 1 report on the bill. All the circumstances in which the keeper will be required to indemnify a person will now be on the face of the bill. Amendment 178 is a technical amendment; it defines the word "mistake".

I move amendment 149.

The Convener: The question is, that amendment 149 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 149 agreed to.

Amendments 150 to 153 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 150 to 153 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendments 150 to 153 are agreed to.

Amendment 241 moved—[Peter Peacock].

The Convener: The question is, that amendment 241 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 241 disagreed to.

Section 10, as amended, agreed to.

Section 11—Notification of first registration

Amendment 154 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 154 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 154 agreed to.

Amendment 155 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 155 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 155 agreed to.

The Convener: Group 15 is on notification of first registration. Amendment 156, in the name of the minister, is grouped with amendment 161.

Roseanna Cunningham: Amendment 156 provides for owners and occupiers of any adjacent land that is not an adjacent croft to be notified when an application for the first registration of an unregistered croft is submitted. Amendment 161 requires an applicant for the first registration of an unregistered croft to check that the conspicuous notice that is required to be affixed to the croft is still in place on part of the croft throughout the six-month challenge period.

I move amendment 156.

The Convener: The question is, that amendment 156 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 156 agreed to.

Amendment 157 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 157 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 157 agreed to.

Amendment 158 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 158 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 158 agreed to.

The Convener: Amendment 242, in the name of John Scott, is grouped with amendment 243. This group is about challenge to the first registration notice period. I draw members' attention to the pre-emption information that is shown in the groupings.

John Scott: Amendment 242 seeks to increase the time limit for challenging a registration from six months to nine. That reasonably increases the time available to find relevant people, engage lawyers and submit a challenge. Indeed, it increases the time available to do that by 50 per cent, and might also increase the time available for compromises to be reached, saving time, money and ill will in the long run.

Amendment 243 seeks to amend the time period so that it will run from the date on which the commission notifies the relevant person that a certificate of registration has been received, rather than from the date on which the commission received it. That allows for delays on the commission's part in notifying an affected person and will reduce the pressure on the commission, should it be snowed under with registration applications, as I hope that it will be.

I move amendment 242.

Roseanna Cunningham: The length of time that is available for a person to challenge the first registration of a croft is another of the issues to which there is not necessarily a single right answer. We wanted to allow a reasonable length of time for people to challenge a registration but did not want it to be so long that it would defeat

the aim of bringing certainty and clarity to the crofting register. We considered that six months was a reasonable period, but if the committee thinks that nine months is more reasonable—I think that it took that view—I am happy to accept that and, therefore, to accept amendment 242.

On amendment 243, I understand John Scott's concern that any delay between the commission receiving a certificate of registration and issuing notification of that receipt may eat away at the time that people have to challenge the first registration. I am happy to support the amendment, but we may want to introduce some drafting changes at stage 3 to ensure that it is clear precisely what the date of notification means.

I am happy to support amendments 242 and 243.

The Convener: The question is, that amendment 242 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 242 agreed to.

The Convener: I point out that, if amendment 243 is agreed to, I cannot call amendment 159 due to pre-emption.

Amendment 243 moved—[John Scott].

The Convener: The question is, that amendment 243 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 243 agreed to.

Amendment 160 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 160 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 160 agreed to.

Amendment 161 moved—[Roseanna Cunningham].

11:45

The Convener: The question is, that amendment 161 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 161 agreed to.

Amendment 244 moved—[Peter Peacock].

The Convener: The question is, that amendment 244 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 244 disagreed to.

Section 11, as amended, agreed to.

After section 11

The Convener: The next group is on powers of entry. Amendment 162, in the name of the minister, is grouped with amendment 220.

Roseanna Cunningham: Amendment 162 sounds more draconian than it is. It provides a right of entry for persons who are authorised by the commission to affix a notice on a croft informing people that the commission has registered the croft on the crofting register. That will provide the commission with sufficient powers to ensure that it can give notification of the registration of a croft to those who have an interest. That is important, as it provides people with the opportunity to challenge that registration if they think that the details are incorrect. The amendment requires the authorised person to take care, to remove the notice when the period for which it must be displayed has ended, to give notice of their intention to enter and to produce identification if required. The new section that amendment 162 inserts also provides for a criminal sanction in the event that someone tries to obstruct a person who is exercising the power.

Amendment 220 makes provision to give the commission the power to enter and inspect land in connection with its functions under the bill. An example is the function of registering common grazings.

I move amendment 162.

The Convener: The question is, that amendment 162 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 162 agreed to.

Section 12—Challenge to first registration

The Convener: The next group of amendments is on challenge to first registration. Amendment 163, in the name of the minister, is grouped with amendments 164, 166 and 167.

Roseanna Cunningham: Amendment 163 requires persons who challenge the first registration of an unregistered croft to notify the keeper of the registers of Scotland of their challenge after they have applied to the Scottish Land Court for an order to modify or remove the entry in the register.

Amendment 164 enables challenges to be made to the first registration of a croft after the end of the challenge period, if the Land Court considers that there was just cause for the challenge not being made within that period.

Amendment 166 provides that, when there is a challenge to the boundaries of a croft and when there is insufficient evidence for the boundaries to be clearly determined, the Land Court must declare the boundaries to be those that it considers appropriate. That mirrors similar provisions in the Crofters (Scotland) Act 1993.

Amendment 167 removes subsections (3), (4) and (5) of section 12. They are unnecessary, as they require the Land Court to follow certain procedures that it already follows when considering cases.

I move amendment 163.

John Scott: Amendment 167 would remove the ability of a person who is aggrieved by the issuing of a certificate of registration to make representations to the Land Court, with the Land Court then holding a hearing. Given the effect on the capital value of land of registering it as croft land, the right to make representations is important. Can we therefore have an explanation from the Government as to why that ability has been removed? Perhaps it is something to do with the fact that it is not competent for the bill to place such obligations on the court, but the removal of the provision will affect aggrieved crofters as well as landowners. The explanation that the minister has given is not adequate, so I would be grateful for a further one.

Roseanna Cunningham: Amendment 167 will remove subsections (3), (4) and (5) of section 12 from the bill. The subsections require the Scottish Land Court to give interested parties the opportunity to make representations, allow the court to hold a hearing, and require the court to give its decision on a challenge under section 12

within 21 days of making that decision. In fact, the court already undertakes those processes when it considers cases. The provisions in the bill simply restate what the court does in any case and are therefore unnecessary.

The Convener: The question is, that amendment 163 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is, For 4, Against 0, Abstentions 4.

Amendment 163 agreed to.

Amendments 164 to 168 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 164 to 168 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is, For 4, Against 0, Abstentions 4.

Amendments 164 to 168 agreed to.

Amendment 245 moved—[Peter Peacock].

The Convener: The question is, that amendment 245 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is, For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 245 disagreed to.

Section 12, as amended, agreed to.

After section 12

The Convener: The next group is entitled “Resumed and decrofted crofts: removal of entries on register”. Amendment 169, in the name of the minister, is the only amendment in the group.

Roseanna Cunningham: The group title is fairly self-explanatory. Amendment 169 simply makes provision relating to the handling of resumed and decrofted crofts by the keeper of the registers of Scotland and requires such crofts to be removed from the crofting register 20 years after they have been resumed or decrofted.

I move amendment 169.

The Convener: The question is, that amendment 169 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is, For 4, Against 0, Abstentions 4.

Amendment 169 agreed to.

Section 13—Ranking

The Convener: The next group is on ranking. Amendment 170, in the name of the minister, is the only amendment in the group.

Roseanna Cunningham: Amendment 170 will remove section 13 from the bill. The provision was intended to deal with applications to register crofts that have overlapping boundaries. However, in evidence that was given to the committee, the use of ranking in such a context was questioned. We have lodged other amendments to deal with the situation, which have been debated. Section 13 is therefore no longer needed.

I move amendment 170.

Peter Peacock: I am happy to support the minister on amendment 170. I commend the approach that she has taken to section 13 and I hope that she will come back at stage 3 with a similar approach to every other section in part 2.

The Convener: Do you want to respond, minister?

Roseanna Cunningham: No, other than to note that there is a squadron of pigs flying past.

Amendment 170 agreed to.

Section 14—Rectification of the register

The Convener: Amendment 171, in the name of the minister, is grouped with amendments 172 to 174 and 218.

Roseanna Cunningham: Amendment 171 will enable the keeper of the registers of Scotland to rectify the crofting register when a mistake has been made in the original application or by the commission or the keeper, or if the Scottish Land Court or other court orders the keeper to rectify the register. Amendment 172 is consequential. Amendment 173 is technical and will move the definition of “mistake”—the issue has interested members—from section 15 to section 14.

Amendment 174 will insert a new section, to provide that where the register is rectified during the six-month challenge period in first registration, the keeper must issue a new certificate of registration and the registration must be renotified. Also, the challenge period will start again from the beginning. If the rectification is the result of a mistake by the keeper or the commission in the handling of the application, the keeper or commission must pay costs incurred in the renotification process.

Amendment 218 inserts a power for the Land Court to instruct the keeper to rectify the crofting register following a decision of the court on an appeal arising from an application made to the commission.

I move amendment 171.

John Scott: You spoke of a six-month challenge period. For the avoidance of doubt, did you mean nine months, given that the amendment about that has been agreed to?

Roseanna Cunningham: Yes. I am sorry; that was a mistake. It should now be nine months as a result of the amendment that was voted on earlier.

The Convener: The question is, that amendment 171 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 171 agreed to.

Amendment 172 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 172 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 172 agreed to.

Amendment 173 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 173 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 173 agreed to.

Amendment 247 moved—[Peter Peacock].

The Convener: The question is, that amendment 247 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 247 disagreed to.

Section 14, as amended, agreed to.

After section 14

Section 15—Indemnity in respect of loss

Amendments 174 to 178 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 174 to 178 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendments 174 to 178 agreed to.

Amendment 248 moved—[Peter Peacock].

The Convener: The question is, that amendment 248 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 248 disagreed to.

Section 15, as amended, agreed to.

Section 16—Rules and fees

The Convener: Amendment 179, in the name of the minister, is grouped with amendments 180 and 181.

Roseanna Cunningham: Amendment 179 provides for Scottish ministers to prescribe in rules the form and manner in which the crofting register is made available to the public, for example, online. Amendment 180 allows ministers to prescribe the form of application for registration, and amendment 181 enables ministers to prescribe circumstances in which a reduction in fees for applications for registration will be available. That provision will enable to be made available the £100,000 that I have already committed to the reduction of fees for community group applications made on a voluntary basis.

I move amendment 179.

The Convener: The question is, that amendment 179 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 179 agreed to.

Amendment 180 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 180 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 180 agreed to.

Amendment 181 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 181 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 181 agreed to.

Amendment 249 moved—[Peter Peacock].

The Convener: The question is, that amendment 249 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 249 disagreed to.

Section 16, as amended, agreed to.

Section 17—Appeals

12:00

The Convener: The next group is on appeals against the keeper's decisions to go to the Land Court. Amendment 182, in the name of the minister, is grouped with amendment 183.

Roseanna Cunningham: Amendments 182 and 183 provide that appeals would go to the Land Court, as issues around the register relate to crofting, which is dealt with by the Land Court rather than by the Lands Tribunal for Scotland.

I move amendment 182.

The Convener: The question is, that amendment 182 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 182 agreed to.

Amendment 183 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 183 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Watt, Maureen (North East Scotland) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
 McArthur, Liam (Orkney) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendment 183 agreed to.

Amendment 250 moved—[Peter Peacock].

The Convener: The question is, that amendment 250 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 250 disagreed to.

Section 17, as amended, agreed to.

Section 18—Meaning of “croft” etc

Amendments 184 to 186 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 184 to 186 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendments 184 to 186 agreed to.

Amendment 251 moved—[Peter Peacock].

The Convener: The question is, that amendment 251 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)

Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 251 disagreed to.

Section 18, as amended, agreed to.

Section 19—Registration of new crofts

Amendment 252 moved—[Peter Peacock].

The Convener: The question is, that amendment 252 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

Against

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

I use my casting vote against the amendment.

Amendment 252 disagreed to.

Section 19 agreed to.

After section 19

After schedule 1

Amendments 187, 87 and 188 to 195 moved—[Roseanna Cunningham].

The Convener: The question is, that amendments 187, 87 and 188 to 195 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Campbell, Aileen (South of Scotland) (SNP)
Scott, John (Ayr) (Con)
Watt, Maureen (North East Scotland) (SNP)
Wilson, Bill (West of Scotland) (SNP)

Abstentions

Gillon, Karen (Clydesdale) (Lab)
McArthur, Liam (Orkney) (LD)
Murray, Elaine (Dumfries) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 0, Abstentions 4.

Amendments 187, 87 and 188 to 195 agreed to.

The Convener: That completes today's consideration of the bill. The committee will complete its stage 2 consideration next week, when we will consider parts 3 and 5.

I thank the minister, her officials and everyone in the public gallery for their attendance.

12:05

Meeting continued in private until 12:23.

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