

# **CROFTING REFORM (SCOTLAND) ACT 2010**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 2 – the Crofting Register**

#### **Registration of common grazings**

##### ***Section 24: First registration of common grazings***

55. **Section 24** provides for the first registration of an unregistered common grazing by the Crofting Commission. It also requires first registration of a new common grazing once the Crofting Commission has made a determination to constitute land as a common grazing and the associated appeal period of 42 days has ended. Subsection (2) provides that the land is a common grazing from the date of registration and that the land comprising the common grazing is determined by the description of that land in the registration schedule.

##### ***Section 25: Registration of events affecting registered common grazings***

56. **Section 25** provides the regulatory triggers that require an application for subsequent registration to amend the entry in the Register for a registered common grazing. This includes a requirement in subsection (1) for the transfer of ownership of land on which a registered common grazing is situated to be registered. Subsection (2) lists various regulatory events which must be registered. Subsection (3) provides that no separate application is needed for events mentioned in subsection (2)(g)(iii) and (2)(i) (which relate to apportionments of common grazings) if one is also needed in relation to a croft under section 5. Subsection (4) allows the Scottish Ministers to make regulations about when ownership of land is to be treated as being transferred for the purposes of subsection (1). Subsection (5) enables the Scottish Ministers, by order to modify the regulatory triggers.

##### ***Section 26: Applications for registration: common grazings***

57. **Section 26** sets out the process for the submission of an application for the first registration of a new common grazing or to register a regulatory trigger event which affects the registration details of a registered common grazing. Subsection (4) requires the Commission to forward the application and associated fee to the Keeper as soon as reasonably practicable after receiving the application. Subsection (5) allows the Commission to ask the applicant for further information. Subsection (6) sets out the circumstances in which the Commission may refuse to forward an application for registration, including in the case of a material inaccuracy in the application. Subsection (7) provides that a refusal to forward an application may be appealed to the Land Court. Subsections (8), (9), (10) and (11) set out the registration and notification process for the first registration of a common grazing by the Commission. Subsection (12) defines “material inaccuracy”. Subsection (13) defines “first registration” as meaning the registration of an unregistered common grazing.

***Section 27: Registration of new common grazings***

58. [Section 27](#) amends section 51A of the 1993 Act, so a new common grazing is no longer constituted by being entered in the Register of Crofts. A new section 51B is inserted into the 1993 Act to provide that a new common grazing must be registered in the Crofting Register. Subsection (2) provides that an application for registration must not be forwarded to the Keeper until the appeal period set out in 52A(2)(b) has expired, or any appeal has been abandoned or determined by the Land Court.

***Section 28: Application of Act to common grazings***

59. [Section 28](#) introduces Schedule 3 which applies sections of the Act relating to the registration of crofts to the registration of common grazings.