

CROFTING REFORM (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Schedule 4 – Minor and Consequential Modifications

163. **Schedule 4** makes minor and consequential amendments to the Small Landholders (Scotland) Act 1911; the Succession (Scotland) Act 1964; the Crofters (Scotland) Act 1993; and the Ethical Standards in Public Life etc. (Scotland) Act 2000.
164. **Schedule 4** makes particular provision in relation to the transfer of responsibility for small landholdings. It extends the Commission's regulatory powers for small landholdings in the crofting counties to include any areas designated by order as new crofting areas. Also, small landholdings in Scotland have previously been regulated by the Scottish Ministers as the successor to the Board of Agriculture, with the most frequent regulatory action being in relation to vacant holdings, and similar to decrofting procedures. Schedule 4 also amends the Small Landholders (Scotland) Act 1911 to extend the powers of the Commission in the crofting counties to include any areas designated by order, to regulate vacant holdings; regulate construction of additional dwellings; regulate merger and amalgamation of holdings; and suggest model forms of agreements. Where two or more landhold units have been amalgamated, or a landhold unit joined with a larger unit the resultant holding is deemed to be a larger agricultural unit, currently this would render them ineligible for conversion to crofts, however the Act makes provision for the acceptance of applications even if a landhold holding is comprised within a larger agricultural unit.
165. **Schedule 4** amends section 16 of the Succession (Scotland) Act 1964 so that the Commission's consent is no longer required to the transfer of the tenancy of a croft on the intestacy of a deceased crofter. It also repeals section 16A of that Act, which makes provision about obtaining Commission consent to such a transfer. It also extends the period within which a tenancy may be transferred under section 16 following the death of the crofter from 12 to 24 months.
166. **Schedule 4** makes various consequential changes to the Crofters (Scotland) Act 1993 in relation to all Parts of this Act.