

POLICY NOTE

THE CROFTING REGISTER (SCOTLAND) RULES 2012

SSI 2012/294

1. These Rules are made in exercise of the powers conferred by sections 19(1), 28 and 32(12) of, and paragraph 12 of schedule 3 to, the Crofting Reform (Scotland) Act 2010 (“the 2010 Act”) and is subject to negative procedure. These Rules support the operation of the Crofting Register to be held by the Keeper of the Registers of Scotland (RoS) under section 3 of the 2010 Act.

Policy Objectives

2. These Rules are part of a suite of subordinate legislation relating to the establishment of the new Crofting Register under Part 2 and Schedules 2 and 3 of the 2010 Act.

3. The purpose of the Rules is to set out requirements relating to the making up and keeping of the Register, public access to the Register, application for information or extracts from the Register, the statutory forms for registering croft land, requirements for plans accompanying the applications and the procedures for registration. The Keeper of the Registers of Scotland is designated the Keeper of the Crofting Register under section 3(1) of the 2010 Act and is required to establish and maintain the Register and to make it public.

4. The Crofting Register will be an electronic register and no charge will be made for viewing the Register. Charges associated with the Register are set out in the Crofting Register (Fees) (Scotland) Order 2012 (SSI 2012/295).

Consultation

5. The provisions in section 19(1) of the 2010 Act relating to the Rules for the Crofting Register were considered during the Crofting Reform (Scotland) Bill’s Parliamentary passage and Parliament accepted the basis on which the Rules would be provided in approving the legislation on 1 July 2010.

6. As required by section 19(1) of the 2010 Act, in preparing these Rules, the Scottish Ministers have consulted the Keeper of the Registers of Scotland, who will establish and maintain the Crofting Register, and the Crofting Commission, who will be responsible for receiving, checking and submitting applications to register croft land on the Crofting Register.

7. In addition, although there is no legislative requirement to do so, the Keeper consulted key stakeholders on the content of application forms A to G between 10 July and 17 August 2012. 5 responses were received, 4 of which gave approval for the response to be published and these can be viewed, together with the report on the consultation, on the RoS website at <http://www.ros.gov.uk/croftingregister>.

8. Forms A to G are set out in the Schedule to the Rules and a copy of each form is attached to the Rules for ease of reference. Guidance on the Rules will be available to applicants on both the RoS and Crofting Commission websites prior to the Register becoming available on 30 November 2012.

Impact Assessments

9. An equality impact assessment has not been completed for this Commencement Order as there are no equality impact issues to address. The Rules relating to the Crofting Register will apply equally to all individuals and organisations involved in the registration process for croft land. An EQIA was completed for the Bill's introduction to Parliament

Financial Effects

10. No Business and Regulatory Impact Assessment (BRIA) has been prepared for this Order as no financial effect or impact on the private, voluntary or public sector is foreseen. A BRIA accompanied the Crofting Reform Bill on introduction to Parliament.

Scottish Government
Agriculture, Food and Rural Communities Directorate