

POLICY NOTE

THE CROFTING REGISTER (FEES) (SCOTLAND) ORDER 2012

SSI 2012/295

1. This Order is made in exercise of the powers conferred by section 19(2) and (3), 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. The Order prescribes the fees payable in respect of registration of a croft, common grazings or land held runrig in the Crofting Register, the updating and rectification of registration schedules and provision by the Keeper of the Registers of Scotland (RoS) of searches, reports, certificates or other documents, copies of documents, or information from the Crofting Register.

Policy Objectives

2. The Order forms 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. . 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.

3. The purpose of the instrument is to set out clearly the fees payable for services provided by RoS in relation to the Crofting Register.

4. The fees contained in this order reflect those charges presently made for copies or extracts from the Land Register. The Crofting Register will be an electronic register and no charge will be made for viewing the Register.

5. Sections 19(2) and (3) of the 2010 Act enable the Scottish Ministers to prescribe by order the fees payable in respect of registration, searches, reports, certificates or other documents or copies provided by the Keeper and to set out the circumstances in which a person is entitled to a reduction of the fee.

6. Article 3 provides for a reduction of £20 per first registration of a croft submitted voluntarily under section 4(2) of the 2010 Act as part of a group of 10 or more applications from the same township or, where the township consists of less than ten crofts, all of the crofts from that township where they are submitted as a group for registration at the same time. Article 3(1)(a)(ii) is aimed at ensuring that the smaller, and perhaps more remote, crofting townships are not disadvantaged and are equally encouraged to take advantage of the reduced fee where a collective approach is adopted.

7. The Scottish Government has provided £100,000 to meet the cost of reduced registration, which will apply for the duration of voluntary registration in the first year of the Register becoming available on 30 November 2012. The reduced fee will be available on a first come first served basis and the Scottish Government will monitor the uptake of this funding throughout the voluntary registration period. While a fee is

prescribed for charging under section 4(1) of the 2010 Act, this will apply from the date on which mandatory registration commences.

8. The purpose of the reduced registration is to encourage crofters to take a collective approach to preparing applications to register their crofts. The Scottish Government encourages crofters to work with one another and with their landlords and others with an interest in neighbouring land (both croft and non-croft land), prior to submitting their registration applications in order to reduce the likelihood of a challenge being made in the Scottish Land Court against the registration under section 14 of the 2010 Act.

Consultation

9. The 2010 Act provisions relating to fees for the Crofting Register were considered during the Crofting Reform (Scotland) Bill's Parliamentary passage and Parliament accepted the principle of charges in approving the legislation on 1 July 2010.

10. There is no legislative requirement to consult on this Order. However, the Scottish Government has 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.

Impact Assessments

11. An equality impact assessment has not been completed for this Commencement Order as there are no equality impact issues to address. Any charges relating to the Crofting Register will apply equally to all individuals or organisations registering croft land, requesting extracts from the Register or other stated chargeable services. An EQIA was completed for the Bill's introduction to Parliament

Financial Effects

12. 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. While the applicant will be required to meet the costs of registration, requests for extracts, etc, these costs are not expected to be burdensome. A BRIA accompanied the Crofting Reform Bill on introduction to Parliament.

Scottish Government
Agriculture, Food and Rural Communities Directorate