

## **POLICY NOTE**

### **THE CROFTING REGISTER (NOTICE OF FIRST REGISTRATION) (SCOTLAND) ORDER 2012**

**SSI 2012/296**

1. This Order is made in exercise of the powers conferred by section 12(8)(b) of the Crofting Reform (Scotland) Act 2010 (“the 2010 Act”) and is subject to negative procedure. The Order prescribes the form of a number of notices for the purpose of publicly intimating that a registration of croft land has been made on 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,.

3. The purpose of the instrument is to set out the form of public notice that must be displayed conspicuously on a croft, common grazing or land held runrig following the registration of the croft land on the Crofting Register. This notice requirement does not apply to the registration of new crofts under section 3A, or the preparation of a reorganisation scheme under section 38(8)(a), which is subject to the publication and advertisement requirements in the Crofters (Scotland) Act 1993. Any person who is aggrieved by the registration of the croft land may challenge the registration by applying to the Scottish Land Court under section 14 of the 2010 Act within 9 months of the Crofting Commission’s notification of the registration under section 12(1) of that Act.

4. Schedules 1 to 3 of the Order set out the form that notices under section 12(8)(b) of the 2010 Act must take.

#### **Consultation**

5. The provisions requiring a notice to be placed on croft land following registration were considered during the Crofting Reform (Scotland) Bill’s Parliamentary passage and Parliament accepted the notification proposals in approving the legislation on 1 July 2010.

6. 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**

7. An equality impact assessment has not been completed for this Commencement Order as there are no equality impact issues to address. The requirement to display a public notice on croft land following registration will apply equally to all applicants registering croft land. An EQIA was completed for the Bill's introduction to Parliament

## **Financial Effects**

8. No Business and Regulatory Impact Assessment (BRIA) has been prepared for this Order as it is simply providing a form of notices to be used as part of the registration of croft land on the Crofting Register and 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