



Crofters (Scotland) Act 1993

1993 CHAPTER 44

The Crofters Commission

1 Constitution and general functions of Crofters Commission.

(1) The Crofters Commission (“the Commission”) established by section 1 of the 1955 Act shall continue in being.

[^{F1}(2) The Commission have—

- (a) the general functions of—
 - (i) regulating crofting;
 - (ii) reorganising crofting;
 - (iii) promoting the interests of crofting;
 - (iv) keeping under review matters relating to crofting; and
- (b) such other functions conferred on them by or under this Act or under any other enactment.

(2A) In exercising their functions under subsection (2), the Commission must have regard to—

- (a) the desirability of supporting population retention—
 - (i) in the crofting counties; and
 - (ii) in any area for the time being designated as mentioned in section 3A(1)(b) and in which there are crofts; and
- (b) the impact of changes to the overall area of land held in crofting tenure on the sustainability of crofting.]

[^{F2}(3) The Commission shall discharge their functions in accordance with such directions of a general or specific character as may from time to time be given to them in writing by the Scottish Ministers.]

^{F3}(4)

^{F3}(5)

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Cross Heading: The Crofters Commission. (See end of Document for details)

(6) The provisions contained in Schedule 1 to this Act shall have effect in relation to the Commission.

Textual Amendments

F1 S. 1(2)(2A) substituted for s. 1(2) (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), **ss. 2(1), 57(2)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

F2 S. 1(3) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 1, 43(3)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

F3 S. 1(4)(5) repealed (1.4.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(2)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 2 (with art. 4)

2 Particular powers and duties of the Commission.

(1) In the exercise of their general functions of reorganising, ^{F4}... and regulating crofting, it shall be the duty of the Commission—

- (a) to keep under general review all matters relating to crofts and crofting conditions, including, without prejudice to the foregoing generality, land settlement^{F5} ...;
- (b) to collaborate so far as their powers and duties permit with any body or person in the carrying out of any measures for the economic development and social improvement of the crofting counties;
- (c) to advise the Secretary of State on any matter relating to crofts and crofting conditions which he may refer to them, or on which they may think fit to submit advice to him;
- (d) to exercise the powers conferred on them by this Act in such manner as may seem to them in each case desirable.

^{F6}(2)

(3) The Commission shall send to the principal clerk of the Land Court to be recorded in the Crofters Holdings Book every order, determination, consent, authorisation or other proceeding of theirs which they may think proper to be recorded therein.

^{F7}(4)

Textual Amendments

F4 Word in s. 2(1) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(3)(a)(i)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

F5 Words in s. 2(1)(a) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(3)(a)(ii)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

F6 S. 2(2) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(3)(b)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with arts. 47)

F7 S. 2(4) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(3)(b)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with arts. 47)

[^{F8}2A Ministers' power to modify functions of Commission

(1) The Scottish Ministers may, by order—

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Cross Heading: The Crofters Commission. (See end of Document for details)

- (a) confer functions on;
 - (b) remove functions from;
 - (c) otherwise modify functions of,
- the Commission.
- (2) The Scottish Ministers may make an order under subsection (1) only where they consider it appropriate to do so to ensure that the Commission carry out their functions efficiently and effectively.
- (3) An order under subsection (1) may—
- (a) confer on the Commission a function exercisable under this Act by the Scottish Ministers (other than a function to make regulations or orders);
 - (b) modify any enactment (including this Act).

Textual Amendments

F8 Ss. 2A-2D inserted (1.10.2011 for the insertion of s. 2A, 1.4.2012 in force in so far as not already in force) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 2(2), 57(2)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4); S.S.I. 2011/334, art. 3, sch. Pt. 2 (with art. 4, art. 5(2)(3))

2B Annual report

- (1) The Commission must make an annual report, on the exercise by them of their functions, to the Scottish Ministers.
- (2) That report must also contain the Commission's assessment of—
- (a) the issues affecting crofting communities; and
 - (b) the contribution crofting has made to sustainable development.
- (3) Before making an annual report, the Commission must consult—
- (a) each local authority in the area of which there are crofts; and
 - (b) Highlands and Islands Enterprise.
- (4) The Scottish Ministers must lay before the Scottish Parliament a copy of each annual report made to them under this section together with any comments on the report that they consider appropriate.

Textual Amendments

F8 Ss. 2A-2D inserted (1.10.2011 for the insertion of s. 2A, 1.4.2012 in force in so far as not already in force) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 2(2), 57(2)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4); S.S.I. 2011/334, art. 3, sch. Pt. 2 (with art. 4, art. 5(2)(3))

2C Duty to produce plan

- (1) The Commission must, before the expiry of the period mentioned in subsection (2), prepare and submit to the Scottish Ministers a plan setting out their policy on how they propose to exercise their functions.
- (2) That period is the period of 6 months beginning with the day after—

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Cross Heading: The Crofters Commission. (See end of Document for details)

- (a) the day of the first election held in accordance with paragraph 7 of schedule 1 to elect persons to be members of the Commission;
 - (b) the day of each subsequent election.
- (3) The Commission must, before preparing a plan under this section, consult—
- (a) each local authority in the area of which there are crofts;
 - (b) Highlands and Islands Enterprise; and
 - (c) such other persons or bodies as the Commission consider appropriate.
- (4) The Scottish Ministers may—
- (a) approve the plan (with or without modifications); or
 - (b) reject the plan and direct the Commission to submit a revised plan.
- (5) Where the Scottish Ministers approve the plan submitted under subsection (1) (including a revised plan submitted under subsection (4)(b)), the Commission must—
- (a) send a copy of it to each local authority in the area of which there are crofts;
 - (b) make a copy of it available for public inspection at reasonable times; and
 - (c) publish it in such manner as the Commission consider appropriate.
- (6) The Commission—
- (a) may, from time to time;
 - (b) must, if required to do so by the Scottish Ministers,
- vary the plan.
- (7) Where the Commission, under subsection (6), vary the plan—
- (a) the Commission must submit it to the Scottish Ministers; and
 - (b) subsections (3) to (5) apply to the variation of a plan as they apply to the preparation of a plan under subsection (1).

Textual Amendments

F8 Ss. 2A-2D inserted (1.10.2011 for the insertion of s. 2A, 1.4.2012 in force in so far as not already in force) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 2(2), 57(2)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4); S.S.I. 2011/334, art. 3, sch. Pt. 2 (with art. 4, art. 5(2)(3))

2D Status of plan

- (1) The Commission, in exercising their functions, must have regard to any plan approved and published under section 2C.
- (2) The Land Court may have regard to any such plan when considering an appeal against—
- (a) any decision, determination or direction of; or
 - (b) the imposition of a condition by,
- the Commission on an application made to them under this Act.]

Changes to legislation: *There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Cross Heading: The Crofters Commission. (See end of Document for details)*

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