

CROFTING REFORM (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 2 – the Crofting Register

Registration

Section 5: Registration of events affecting registered crofts

15. In order to ensure that any changes to the extent of, or interests in, a croft are captured in the Crofting Register, this section outlines the circumstances in which the Crofting Register must be amended.
16. Subsection (1)(a) states that where ownership of a registered owner-occupied croft is transferred, the Register must be amended. Subsection (1)(b) requires that, in the case of a registered tenanted croft, the transfer of the ownership of any land on which the croft is situated or a change in the landlord must be registered. Subsection (1)(c) requires the Register to be amended on the occurrence of a trigger event listed in subsection (3) in relation to a registered croft.
17. Subsection (2) provides that, where first registration of a croft was triggered by certain regulatory applications, there is no need for a separate application to amend the Register as a result of the outcome of the regulatory application. Instead the applicant should notify the Commission of any resulting change to the croft. The Commission will notify the Keeper who will amend the Register under section 9.
18. Subsection (4) enables the Scottish Ministers to modify the regulatory trigger events by order. This will allow them to add to the list of events, modify the events or remove an event requiring amendment of the Crofting Register. As mentioned in paragraph 12 in relation to first registrations, depending on the associated regulatory application, the person responsible for applying to amend the Register will vary. Table 2 in Schedule 2 lists those who are responsible for making applications under section 5(3).
19. Subsection (5) provides that where the Scottish Ministers exercise the power in subsection (4), they may by order modify Table 2 in Schedule 2, containing the list of persons responsible for making applications for subsequent registration.
20. Subsection (6) allows the Scottish Ministers to make regulations about when ownership of an owner-occupied croft or the land on which a croft is situated is to be treated as being transferred.