

CROFTING REFORM (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 3 – Duties of Crofters and Owner-Occupier Crofters

Enforcement of duties of crofters and owner-occupier crofters

Section 36: Information as to compliance with duties: annual notices

87. This section inserts new section 40A into the 1993 Act, requiring tenant and owner-occupier crofters to make an annual declaration that they are complying with the duties inserted into the 1993 Act by Part 3 of this Act. Subsection (1) requires the Commission to give notice to each tenant and owner-occupier crofter requiring them to provide the Commission with the information detailed in subsection (2) (for tenant crofters) or subsection (3) (for owner-occupier crofters). The information required is that they are complying with the duties in relation to residency, misuse and neglect or, if not, whether they have received consent to be absent from the croft or a tenant is complying with these duties.
88. Subsection (4) requires the Commission to issue notices to all tenant and owner-occupier crofters within 1 year of the commencement of section 36 of this Act and subsection (5) requires similar notices to be issued as soon as reasonably practicable annually thereafter.
89. Subsection (6) applies section 40(2) of the 1993 Act to a notice given under this section. The effect of this is that failure to furnish the Commission with the information within 3 months of the notice without reasonable cause, or knowingly or recklessly providing false information, will result in the tenant or owner-occupier crofter being guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.
90. Subsection (7) disapplies subsection 55(1A) of the 1993 Act to a notice given under this section and removes the requirement to send notices under this section by registered post. Notices may therefore be sent by any other postal services.