



Crofting Reform (Scotland) Act 2010

2010 asp 14

PART 5

GENERAL AND MISCELLANEOUS

51 Duty to report to the Scottish Parliament

- (1) The Scottish Ministers must lay before the Scottish Parliament, once every 4 years, a report on—
 - (a) the economic condition of crofting;
 - (b) the measures taken to support crofting during the reporting period by—
 - (i) the Scottish Ministers;
 - (ii) the Commission;
 - (c) the further measures that the Scottish Ministers intend to take to address the economic condition of crofting.
- (2) The first such report must be laid before the Scottish Parliament within 6 months of the date on which the Bill for this Act was passed.
- (3) In subsection (1) “reporting period” means—
 - (a) in the case of the first report, the period of 4 years preceding the laying of the report;
 - (b) in the case of each subsequent report, the period since the laying of the last report.

52 Pre-consolidation modifications of enactments relating to crofting

- (1) The Scottish Ministers may, by order, make such modifications of enactments relating to crofting as in their opinion facilitate, or are otherwise desirable in connection with, the consolidation of the law on crofting.
- (2) An order under this section may not be made unless a Bill consolidating the law on crofting has been introduced in the Scottish Parliament.
- (3) If an Act resulting from such a Bill is passed, the order comes into force by virtue of this subsection immediately before the commencement of that Act.

53 Subordinate legislation

- (1) Any power conferred by this Act on the Scottish Ministers to make regulations, rules or orders is exercisable by statutory instrument.
- (2) Any such power—
 - (a) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes; and
 - (b) includes power to make such transitory, transitional or saving provision as the Scottish Ministers consider necessary or expedient.
- (3) Subject to subsections (4) and (7), a statutory instrument containing regulations, rules or an order under this Act is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4) No order under—
 - (a) section 52(1);
 - (b) section 54(1) containing provisions which add to, replace or omit any part of the text of any Act; or
 - (c) section 57(2) bringing any of sections 3 to 32 into force,may be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Scottish Parliament.
- (5) Before laying a draft of an order under section 52(1) before the Scottish Parliament, the Scottish Ministers must—
 - (a) lay before the Parliament—
 - (i) a copy of the proposed draft order;
 - (ii) a statement of their reasons for proposing to make the draft order;
 - (b) publicise the proposed draft order in such a manner as they consider appropriate; and
 - (c) have regard to—
 - (i) any representations about the proposed draft order;
 - (ii) any resolution of the Parliament about the proposed draft order; and
 - (iii) any report by a committee of the Parliament for the time being appointed by virtue of the standing orders of the Parliament about the proposed draft order,made during the period mentioned in subsection (6).
- (6) The period is such period of 60 days or longer (including at least 30 days on which the Scottish Parliament is not dissolved or in recess) as the Scottish Ministers specify when laying the draft order.
- (7) Subsection (3) does not apply to an order under section 57(2).

54 Ancillary provision

- (1) The Scottish Ministers may, by order, make such incidental, supplementary or consequential provision as they consider appropriate for the purposes of, in consequence of, or for giving full effect to, any provision of this Act.
- (2) An order under subsection (1) may modify any enactment (including this Act).

55 Minor and consequential amendments and repeals

Schedule 4 makes minor modifications and modifications consequential on this Act.

56 Interpretation

(1) In this Act—

the “1993 Act” means the Crofters (Scotland) Act 1993 (c.44);
“certificate of registration” has the meaning given by section 9(6);
“the Commission” means the Crofting Commission;
“first registration” has the meaning given by section 4(10);
“Keeper” has the meaning given by section 3(3);
“new croft” has the meaning given by section 4(11);
“owner-occupied croft” has the meaning given by section 19B(5) of the 1993 Act (as inserted by section 34);
“owner-occupier crofter” is to be construed in accordance with section 19B(1) to (4) of the 1993 Act (as inserted by section 34);
“register” has the meaning given by section 3(3);
“registered” and cognate expressions have the meanings given by section 3(3);
“registration schedule”, in relation to a croft, a common grazing or land held runrig, means the registration schedule of the croft, common grazing or, as the case may be, land held runrig made up and maintained under section 11(1).

(2) Other expressions used in this Act which are also used in the 1993 Act have the meanings given to them in that Act unless this Act provides otherwise.

57 Short title, commencement and Crown application

- (1) This Act is the Crofting Reform (Scotland) Act 2010.
- (2) This Act (other than this section and sections 53 and 54) comes into force on such day as the Scottish Ministers may by order appoint.
- (3) Different days may be appointed for different purposes.
- (4) This Act binds the Crown.