



# Crofting Reform (Scotland) Act 2010

## 2010 asp 14

### PART 2

#### THE CROFTING REGISTER

##### *Notification of first registration*

#### **12 Notification of first registration**

- (1) Subject to subsection (2), the Commission must, on receipt of a certificate of registration under section 9(2) or, as the case may be, a copy of such a certificate under section 9(4), notify any persons mentioned in subsection (3) of the matters mentioned in subsection (4).
- (2) The Commission need not notify a person mentioned in subsection (3)—
  - (a) where that person is the applicant for registration; or
  - (b) where the certificate of registration issued under section 9(2) relates to a first registration as a result of the taking of the step mentioned in section 4(4)(p).
- (3) Those persons are—
  - (a) the owner of the croft;
  - (b) the landlord of the croft;
  - (c) the crofter of the croft;
  - (d) the owner-occupier crofter of the croft;
  - (e) the owner of any adjacent croft;
  - (f) the landlord of any adjacent croft;
  - (g) the crofter of any adjacent croft;
  - (h) the owner-occupier crofter of any adjacent croft;
  - (i) the owner of any adjacent land (not being land which is an adjacent croft);
  - (j) the occupier of any adjacent land (not being land which is an adjacent croft).
- (4) The matters referred to in subsection (1) are—
  - (a) that the croft has been registered;
  - (b) the description of the croft as it is entered in the registration schedule;

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*Changes to legislation: There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, Cross Heading: Notification of first registration. (See end of Document for details)*

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- (c) the names and designations of any persons entered in the registration schedule in accordance with section 11(2)(b);
  - (d) the right to challenge the registration by applying to the Land Court under section 14(1);
  - (e) the period, mentioned in subsection (5), before the end of which such a challenge must be brought.
- (5) That period is the period of 9 months beginning with the date on which the Commission issue notification under subsection (1).
- (6) For the purposes of subsection (5), “the date on which the Commission issue notification under subsection (1)” means—
- (a) where notification under subsection (1) is issued on the same date to every person entitled to receive it, that date;
  - (b) where such notification is issued otherwise than is mentioned in paragraph (a), the date notification is issued to the last person entitled to receive it.
- (7) The Commission must notify the applicant of the date mentioned in subsection (5).
- (8) The applicant, on receipt of the certificate under section 9(2) relating to a first registration (other than of a new croft or other than as a result of the taking of the step mentioned in section 4(4)(p)), must give public notice of the registration of the croft by—
- (a) placing an advertisement, for two consecutive weeks, in a local newspaper circulating in the area where the croft is situated; and
  - (b) affixing a conspicuous notice in the prescribed form to a part of the croft.
- (9) The applicant must take all reasonable steps to ensure that the notice mentioned in subsection (8)(b) continues to be displayed throughout the period mentioned in subsection (5).
- (10) In subsection (8)(b), “prescribed” means prescribed by the Scottish Ministers by order.

#### **Commencement Information**

- I1** S. 12 in force at 30.10.2012 for specified purposes by [S.S.I. 2012/288](#), [art. 3\(1\)\(a\)\(2\)](#), [Sch. 1 Pt. 1](#)
- I2** S. 12(1)(2)(a)(3)-(10) in force at 30.11.2012 in so far as not already in force by [S.S.I. 2012/288](#), [art. 3\(1\)\(b\)\(2\)](#), [Sch. 1 Pt. 2](#) (with [Sch. 2 para. 1\(g\)](#))
- I3** S. 12(2)(b) in force at 30.11.2013 in so far as not already in force by [S.S.I. 2012/288](#), [art. 3\(1\)\(c\)](#)

### **13 Power of entry etc. where Commission are applicant**

- (1) This section applies where, by virtue of being the applicant for registration, the Commission are required to affix a notice in accordance with section 12(8)(b).
- (2) A person authorised by the Commission may enter the croft for the purposes of—
- (a) affixing the notice;
  - (b) complying with section 12(9); and
  - (c) removing the notice in accordance with subsection (3)(b).
- (3) The Commission must—
- (a) when affixing the notice, take all reasonable care not to damage the croft or the part of the croft to which the notice is affixed; and

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- (b) remove the notice no later than 1 week after the end of the period mentioned in section 12(5).
- (4) Subsections (2) to (4) of section 56 of the 1993 Act apply for the purposes of subsection (2) as they apply for the purposes of subsection (1) of that section.

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**Commencement Information**

**I4** [S. 13](#) in force at 30.11.2012 by [S.S.I. 2012/288](#), art. 3(1)(b)(2), [Sch. 1 Pt. 2](#)

**Changes to legislation:**

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