

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

SCHEDULES

[^{F1}SCHEDULE 1

THE CROFTING COMMISSION

Textual Amendments

- F1** Sch. 1 substituted (1.10.2011 for specified purposes, 1.4.2012 in force in so far as not already in force) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 1** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with arts. 45(1)8); S.S.I. 2011/334, art. 3, sch. Pt. 2 (with arts. 45(3))

Elected members: regulations

- 7 (1) The Scottish Ministers may, by regulations, make provision for or in connection with the election of persons as members of the Commission.
- (2) Without prejudice to the generality of sub-paragraph (1), the regulations may, in particular, make provision relating to—
- (a) the voting system to be used for such elections;
 - (b) the frequency and timing of such elections;
 - (c) the conduct of such elections;
 - (d) offences relating to such elections;
 - (e) the constituencies (including boundaries) in which such elections may be held
 - (f) persons who are eligible to vote in such elections (including by reference to the person's age);
 - (g) the appointment of an individual to act as the returning officer for each constituency;
 - (h) such an individual's—
 - (i) functions;
 - (ii) fees and expenses;
 - (iii) tenure and vacation of office;
 - (i) subject to sub-paragraph (5), persons who may, and may not, be candidates in elections such as are mentioned in sub-paragraph (1) (including by reference to the person's age);
 - (j) the number of members of the Commission who may be returned from each constituency;
 - (k) vacancies amongst elected members, including the circumstances in which a person who polled fewer votes in such an election than the person who polled most votes may hold office as a member of the Commission.
- (3) Regulations under sub-paragraph (1) may not make provision creating an offence such as is mentioned in sub-paragraph (2)(d) that is punishable—

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

- (a) on conviction on indictment, with imprisonment for a term exceeding 2 years;
 - (b) on summary conviction, with—
 - (i) imprisonment for a term exceeding 12 months; or
 - (ii) a fine exceeding level 5 on the standard scale.
- (4) In the case of an offence which is triable either on indictment or summarily, the reference in sub-paragraph (3)(b)(ii) to a fine exceeding level 5 on the standard scale is to be construed as a reference to the statutory maximum.
- (5) In making provision such as is mentioned in sub-paragraph (2)(i), the regulations must provide that the persons who may be candidates in elections such as are mentioned in sub-paragraph (1) may include persons who
 - (a) are aged 16 or over; and
 - (b) have been nominated by a person eligible to vote in such elections.
- (6) Before making regulations under sub-paragraph (1), the Scottish Ministers must consult such persons or bodies as they think appropriate on—
 - (a) the constituency boundaries to be used; and
 - (b) the persons who are eligible to vote,in elections such as are mentioned in sub-paragraph (1).]

Changes to legislation:

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Cross
Heading: Elected members: regulations.