

Crofting and Scottish Land Court Act 2026

2026 asp 17

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

£21.10



Crofting and Scottish Land Court Act 2026

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CONTENTS

Section

PART 1

CROFTING REFORM

CHAPTER 1

CROFTS AND CROFTERS

Duties

1 General functions of the Commission
2 Enabling environmental uses of crofts
3 Removal of timescales for deciding applications
4 Reporting on breaches of duties
5 Enforcement of duties
6 Enforcement action against subtenants and tenants of short leases
7 Power to decline to act until information provided
8 Monetary penalties for non-compliance with crofting duties
9 Statutory conditions: entitlement to fixed equipment

Assignations

10 Assignations to family members

Owner-occupier crofters

11 New crofts: power to determine applicant will become the owner-occupier crofter
12 Meaning of "owner-occupier crofter" etc.
13 Power to make provision about the sale of owner-occupied crofts

Restriction on assignation and acquisition following Commission let

14 Ten-year restriction on assignation and acquisition following Commission let
15 Authorisation by Land Court of acquisition of croft land: breach of duty

Requirement for proposed crofter to be aware of duties

16 Requirement for proposed crofter to be aware of duties

Absences from crofts

17 Guidance relating to absences from crofts

Decrofting

18 Decrofting direction: rationalisation of routes and requirements
19 Commission decision-making on decrofting applications

Boundaries: adjustment and remapping

20 Commission's power to adjust boundaries

Common grazings

21 Common grazings: acquisition of shares with croft
22 Common grazings: unattached shares etc.
23 Grazings committees meetings
24 Appointment, etc., of grazings committee or grazings constable: appeal to Land Court
25 Use of common grazings for forestry or environmental purposes
26 Consultation on common grazings

Meaning of crofting community, parish and township

27 Meaning of "crofting community", "parish" and "township"

Crofts not to be private residential tenancies

28 Tenancies which cannot be private residential tenancies

Commission's directions etc.

29 Power of Commission to correct inaccuracies in directions etc.

CHAPTER 2

REGISTRATION

Register of Crofts

30 Requirement to give Commission notice of change of ownership
31 Changes to the content required in the Register of Crofts

Registration in the Crofting Register

32 First registration of crofts purchased by tenant crofter
33 Payment of fees for applications for registration
34 Requirement for certain applications for first registration to be copied to landlord
35 Notification of first registration
36 Rectification of the Crofting Register
37 Form of applications for registration

Requirement for croft to be registered

38 Enlargement of croft
39 Exchange of croft or parts of crofts
40 Assignation of croft
41 Division of crofts and owner-occupied crofts
42 Resumption of croft or part of croft by landlord
43 Reversion of resumed land
44 Decrofting in case of resumption or vacancy of croft
45 Provisions as to right to sublet
46 Letting of owner-occupied crofts
47 Requirement for croft to be registered (miscellaneous provisions)

CHAPTER 3

MISCELLANEOUS

Service of notices and public notification

48 Service of notices
49 Public notification
50 Crofting census notices

The Crofting Commission

51 Appointment of Chair
52 Appointed members: special considerations
53 Chairing of Commission meetings and committees

Review of crofting legislation

54 Review of crofting legislation

Interpretation of Part 1

55 Interpretation of Part 1

PART 2

MERGER OF THE SCOTTISH LAND COURT AND THE LANDS TRIBUNAL FOR SCOTLAND

The Scottish Land Court

56 The Scottish Land Court

Merger of the Scottish Land Court and the Lands Tribunal for Scotland

57 Merger of the Scottish Land Court and the Lands Tribunal for Scotland
58 Savings etc.
59 Power to make further provision in connection with the merger etc.
60 Transitory provision: eligibility of suitable members of Lands Tribunal for Scotland to sit in Upper Tribunal
61 Giving or updating guidance on access rights
62 Reviews of the operation and jurisdiction of the Court

PART 3

GENERAL

63 Minor and consequential provision
64 Regulations
65 Ancillary provision
66 Commencement
67 Short title

Schedule 1—The Scottish Land Court
Part 1—Administration and organisation
Part 2—Jurisdiction of the Court
Part 3—Rules, procedure, expenses and powers
Part 4—Interpretation
Schedule 2—Minor and consequential amendments
Part 1—Crofting reform
Part 2—Scottish Land Court



Crofting and Scottish Land Court Act 2026

2026 asp 17

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 24th March 2026 and received Royal Assent on 18th May 2026

An Act of the Scottish Parliament to amend crofting law; to provide for the merger of the Scottish Land Court and the Lands Tribunal for Scotland; and for connected purposes.

PART 1

CROFTING REFORM

CHAPTER 1

CROFTS AND CROFTERS

Duties

1 General functions of the Commission

(1) The 1993 Act is modified as follows.

(2) In section 1 (constitution and general functions of the Commission), in subsection (2)(a)(i), after "crofting" insert "and enforcing compliance with statutory duties".

2 Enabling environmental uses of crofts

(1) The 1993 Act is modified as follows.

(2) In section 5B (crofters: duty not to misuse or neglect croft)—

(a) for subsections (2) and (3), substitute—

"(2) A crofter misuses a croft where the crofter—

(a) wilfully and knowingly uses it otherwise than for the purpose of its being—

(i) cultivated,

(ii) put to any environmental use, or

(iii) put to such other purposeful use as is consented to under section 5C(4), or

(b) fails to—

(i) use the croft for the purposes of its being cultivated,

(ii) put the croft to any environmental use, or

(iii) put the croft to another purposeful use.

(3) A crofter neglects a croft where the croft is not managed so as to meet the standards of good agricultural and environmental condition referred to in regulation 3(2) of, and in Part 2 of the schedule to, the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014 (S.S.I. 2014 No. 325) (except in so far as the use of the croft for a use mentioned in paragraph (a)(ii) or (iii) of subsection (2) is incompatible with the croft being kept in accordance with such standards).",

(b) subsection (4) is repealed.

(3) In section 5C (crofters: duty to cultivate and maintain)—

(a) for subsection (2), substitute—

"(2) Those duties are that the crofter—

(a) must by themselves or with their family, with or without hired labour—

(i) cultivate the croft,

(ii) put it to any environmental use, or

(iii) put it to another purposeful use,

(b) must ensure that every part of the croft which is capable of being cultivated or put to a use mentioned in paragraph (a)(ii) or (iii) is so cultivated or used,

(c) must keep the croft in a fit state for cultivation (except in so far as the use of the croft for a use mentioned in paragraph (a)(ii) or (iii) is incompatible with the croft being kept in such a state).",

(b) in subsection (3), for "(b)" substitute "(c)",

(c) in subsection (4), for "(2)(a)(ii)" substitute "(2)(a)(iii)",

(d) in subsection (8), in the definition of "purposeful use", in the opening words, after "and" insert "actively",

(e) after subsection (8), insert—

"(8A) In this section and section 5B, "environmental use" means any planned and actively managed use that is intended to provide an environmental benefit and does not adversely affect the croft or the use of adjacent land, which may include (but is not limited to) the person engaging in a use for the purpose of—

(a) peatland restoration,

(b) habitat creation and restoration,

(c) water management (for example, the making or improving of watercourses, ponds or wells),

(d) preserving, protecting, restoring, enhancing or otherwise improving the natural heritage or environment,

but may not include the person engaging in a use for the purpose of the generation, transmission or storage of energy.

(8B) Without prejudice to the generality of subsection (8A), the Scottish Ministers may by regulations modify that subsection to add, amend, remove or exclude a purpose.".

(4) In section 19C (duties of owner-occupier crofters)—

(a) in subsection (2), for paragraphs (c) and (d), substitute—

"(c) must by themselves or with their family, with or without hired labour—

(i) cultivate the croft,

(ii) put it to any environmental use, or

(iii) put it to another purposeful use,

(d) must ensure that every part of the croft which is capable of being cultivated or put to a use mentioned in paragraph (c)(ii) or (iii) is so cultivated or used,

(e) must keep the croft in a fit state for cultivation (except in so far as the use of the croft for a use mentioned in paragraph (c)(ii) or (iii) is incompatible with the croft being kept in such a state).",

(b) for subsections (3) and (4), substitute—

"(3) For the purposes of subsection (2)(b), an owner-occupier crofter misuses an owner-occupied croft where the owner-occupier crofter—

(a) wilfully and knowingly uses it otherwise than for the purpose of its being—

(i) cultivated,

(ii) put to any environmental use, or

(iii) put to such other purposeful use, or

(b) fails to—

(i) use the croft for the purpose of its being cultivated,

(ii) put the croft to any environmental use, or

(iii) put the croft to any other such purposeful use.

(4) For the purposes of subsection (2)(b), an owner-occupier crofter neglects an owner-occupied croft where the croft is not managed so as to meet the standards of good agricultural and environmental condition referred to in regulation 3(2) of, and in Part 2 of the schedule to, the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014 (S.S.I. 2014 No. 325) (except in so far as the use of the croft for a use mentioned in paragraph (a)(ii) or (iii)

of subsection (3) is incompatible with the croft being kept in accordance with such standards).",

(c) in subsection (5), for "(d)" substitute "(e)",

(d) subsection (6) is repealed,

(e) after subsection (8), insert—

"(8A) In this section, "environmental use" has the meaning given in section 5C(8A)."

(5) In section 60(3) (regulations and orders), in paragraph (b), after "under" insert "section 5C(8B)".

3 Removal of timescales for deciding applications

(1) The 1993 Act is modified by subsections (2) and (3).

(2) In section 5C (crofters: duty to cultivate and maintain), for subsection (7), substitute—

"(7) The Commission may—

(a) grant consent, either—

(i) subject to such conditions as they consider it appropriate to impose, or

(ii) without conditions, or

(b) refuse consent.".

(3) In section 21B (Commission consent for absence from croft)—

(a) for subsection (4), substitute—

"(4) The Commission may—

(a) grant consent, either—

(i) subject to such conditions as they consider it appropriate to impose which may, in particular, relate to the duration of absence, or

(ii) without conditions, or

(b) refuse consent.",

(b) subsection (5) is repealed.

(4) The Crofting Commission must, within 2 years of Royal Assent, publish a policy setting out standard working practices relating to the performance of its functions and duties, including reasonable timescales for the making of decisions on applications received under sections 5C and 21B of the 1993 Act.

4 Reporting on breaches of duties

(1) The 1993 Act is modified as follows.

(2) In section 26A (Commission's duty to investigate suspected breach of duty)—

(a) for subsection (1), substitute—

"(1) This section applies where the Commission receives information in writing from a person mentioned in subsection (3) relating to a matter mentioned in subsection (2).",

(b) in subsection (3)—

(i) in the opening words, for "(1)(b)" substitute "(1)",

(ii) in paragraph (d), after "community" insert "of the township",

(iii) after paragraph (d), insert—

"(e) a subtenant or short leaseholder of a croft within that township,

(f) the landlord or an owner of any part of the croft to which the matter mentioned in subsection (2) relates.",

(c) in subsection (5), for "(1)(b)" substitute "(1)",

(d) after subsection (5) insert—

"(6) In considering under subsection (5) whether information received is frivolous or vexatious, the Commission may take into account whether it has previously determined under that subsection that the individual has provided information that was frivolous or vexatious.".

(3) In section 49A (grazings committees: duty to report)—

(a) in subsection (1), paragraphs (b) and (c) are repealed,

(b) subsection (2) is repealed.

5 Enforcement of duties

(1) The 1993 Act is modified as follows.

(2) In section 26B (enforcement of duties of crofters and owner-occupier crofters: general), in subsection (4), after "26D" insert ", 26DA".

(3) For section 26C and section 26D substitute—

"26C Notice of suspected breach of duty

(1) The Commission must, unless they consider that there is a good reason not to, give the relevant person a notice—

(a) informing the person that the Commission consider that the duty is not being complied with,

(b) indicating that the person may, before the expiry of the period of 28 days beginning with the day on which notice is given to the person, either—

(i) make representations to the Commission, or

(ii) give an undertaking to comply with the duty before the expiry of such period as the Commission consider reasonable.

(2) The notice must—

(a) explain the reasons why the Commission consider that the duty is not being complied with,

(b) explain—

(i) that the giving of the undertaking by the person constitutes acceptance by the person that the duty is not being complied with,

(ii) what the person must do to comply with the undertaking, and

(iii) that if the person complies with the undertaking accepted by the Commission, no further action will be taken against the person in respect of the failure to comply with that duty,

(c) explain that the Commission may decline to do anything in relation to an application made under this Act in which the relevant person has an interest (see subsection (3)),

(d) explain the consequences for failure to—

(i) make representations to the Commission, or

(ii) give an undertaking, and

(e) where given to a crofter, be copied to—

(i) the Land Court, and

(ii) the landlord of the croft.

(3) Where a notice is given to a person under subsection (1), the Commission may decline to do anything in relation to an application made under this Act in which the relevant person has an interest until—

(a) the Commission are satisfied the duty is being complied with, or

(b) any of the circumstances mentioned in section 26E(ca)(i), (d)(i), (e)(i) or (f)(i) apply.

(4) Subsection (3) has effect—

(a) despite any duty imposed on the Commission under this Act to do anything in relation to an application made to them before the end of a specified period, and

(b) the period is to be treated as beginning on the occurrence of either of the events mentioned in paragraph (a) or (b).

(5) Where a notice is given to a person under subsection (1) and the Commission decline to do anything in relation to an application by virtue of subsection (3) the Commission must (as soon as reasonably practicable) notify the applicant of their decision to decline to do anything in relation to the application (and the reason for that decision).

26D Procedure following expiry of notice period if no undertaking is given

(1) This section applies if, following a notice given under section 26C(1)—

(a) the period specified in section 26C(1)(b) has expired, and

(b) the relevant person has not given an undertaking to the Commission to comply with the duty.

(2) In deciding whether the duty is being complied with, the Commission—

(a) must have regard to any representations received within the period specified in section 26C(1)(b),

(b) may also have regard to any representations received after the period specified in section 26C(1)(b),

(c) may, if the relevant person fails to make representations, infer that that failure constitutes acceptance by the person that the duty is not being complied with.

(3) If the Commission decide that the duty is not being complied with—

(a) if the Commission received representations within the period specified in section 26C(1)(b) they must, before taking any action under section 26H or 26J, give the relevant person a further notice giving the person an opportunity to give an undertaking to comply with the duty before the expiry of such period as the Commission consider reasonable,

(b) if the Commission did not receive representations within the period specified in section 26C(1)(b) they may, before taking any action under section 26H or 26J, give the relevant person a further such notice.

(4) The notice must—

(a) explain—

(i) that the relevant person must give the undertaking before the expiry of the period of 28 days beginning with the day on which the notice is given,

(ii) that the giving of the undertaking by the person constitutes acceptance by the person that the duty is not being complied with,

(iii) what the person must do to comply with the undertaking, and

(iv) that if the person complies with the undertaking accepted by the Commission, no further action will be taken against the person in respect of the failure to comply with that duty, and

(b) where given to a crofter, be copied to the landlord of the croft.

26DA Procedure if undertaking is given

(1) This section applies if the relevant person gives an undertaking to the Commission following—

(a) a notice given under section 26C(1), or

(b) a notice given under section 26D(3).

(2) The Commission may—

(a) accept the undertaking—

(i) subject to such conditions as they consider appropriate,

(ii) without conditions, or

(b) reject the undertaking.

(3) If an undertaking is accepted by the Commission but, at a later time, the Commission become satisfied that either—

(a) it is not practicable to comply with the undertaking (the "original undertaking"), or

(b) the relevant person may take other steps to comply with the duty which differ from the steps specified in the original undertaking,

the Commission may accept a modified undertaking subject to such conditions as they consider appropriate or without conditions.".

(4) In section 26E (circumstances where the Commission may not take action under section 26H or 26J), for paragraphs (a) to (c), substitute—

"(a) the period specified in the notice under section 26C or (as the case may be) section 26D for the giving of an undertaking has not expired,

(b) the Commission has accepted an undertaking under section 26DA and the period for complying with the undertaking has not expired,

(c) such an undertaking has been complied with,

(ca) in the case of a crofter—

(i) the Commission have consented to the assignation of a croft under section 8, or

(ii) an application to assign has been made under section 8 and has not yet been determined,".

(5) In section 26J (owner-occupier crofters: letting procedure), in subsection (4), for "(as soon as is reasonably practicable) proceed" substitute ", unless they consider that there is good reason not to, proceed (as soon as is reasonably practicable)".

(6) In section 26K (appeals)—

(a) in subsection (1), for "26C(5)" substitute "26D",

(b) after subsection (1), insert—

"(1A) A relevant person may appeal to the Land Court against a decision of the Commission under section 26C(3) to decline to do anything in relation to an application made under this Act.",

(c) in subsection (2) for "26D" substitute "26DA",

(d) in subsection (5), for "subsection (2) or (3)" substitute "this section",

(e) in subsection (6), for "subsection (2) or (3)" substitute "this section".

(7) In section 52 (miscellaneous provisions as to common grazings, as to lands held runrig, and as to use by crofters of peat bogs, etc.), after subsection (1D), insert—

"(1DA) Where a requirement is imposed on a person under subsection (1C) or (1D)(a)(ii), the Commission may decline to do anything in relation to any application made under this Act in which the person has an interest (whether the requirement imposed relates to the application or otherwise) until the Commission are satisfied either that the requirement has been complied with or that it is not practicable to comply with the requirement.

(1DB) Subsection (1DA) has effect despite any duty imposed on the Commission under this Act to do anything in relation to an application made to them before the end of a specified period.

(1DC) Where subsection (1DA) applies, the period mentioned in subsection (1DB) is to be treated as beginning on the occurrence of the Commission becoming satisfied either that the requirement has been complied with or that it is not practicable to comply with the requirement.

(1DD) Where a requirement is imposed on a person under subsection (1C) or (1D)(a)(ii), and the Commission decline to do anything in relation to an application by virtue of subsection (1DA)—

(a) the Commission must (as soon as reasonably practicable) notify the applicant of their decision to decline to do anything in relation to the application (and the reason for that decision),

(b) section 52A applies as if the decision to decline to do anything with the application were a decision of the Commission on an application to them under this Act.".

6 Enforcement action against subtenants and tenants of short leases

(1) The 1993 Act is modified as follows.

(2) In section 29A (letting of owner-occupied crofts)—

(a) subsection (6) is repealed,

(b) in subsection (10), for "(6)" substitute "(5)".

(3) After section 29B, insert—

"Commission's powers: subleases and short leases

29C Commission's powers: subleases and short leases

(1) This section applies to—

(a) a sublease which has been granted in accordance with section 27(2) (with or without any conditions imposed by the Commission), or

(b) a lease which has been granted in accordance with section 29A(4) (with or without conditions imposed by the Commission).

(2) Subsection (3) applies if the Commission is satisfied that—

(a) a condition imposed by them is breached,

(b) a condition of let (other than any relating to rent) is breached, or

(c) the subtenant or, as the case may be, tenant is acting in a way which is incompatible with a duty mentioned in sections 5AA, 5B, 5C or, as the case may be, section 19C.

(3) The Commission may make an order—

(a) varying or revoking any condition imposed by them,

(b) imposing a new condition, or

(c) withdrawing their consent to and terminating the sublease or lease.

(4) Where the Commission make an order under subsection (3), section 52A applies as if the decision to make the order were a decision of the Commission on an application to them under this Act.".

7 Power to decline to act until information provided

(1) The 1993 Act is modified as follows.

(2) In section 40 (obtaining of information by Commission)—

(a) for subsection (3) substitute—

"(3) Where a requirement is imposed on a person under subsection (1), the Commission may decline to do anything in relation to any application made under this Act in which the relevant person has an interest (whether the requirement imposed relates to the application or otherwise) until the Commission are satisfied either that the requirement has been complied with or that it is not practicable to comply with the requirement.

(3A) Subsection (3) has effect—

(a) despite any duty imposed on the Commission under this Act to do anything in relation to an application made to them before the end of a specified period, and

(b) the period is to be treated as beginning on the occurrence of the Commission becoming satisfied either that the requirement has been complied with or that it is not practicable to comply with the requirement.",

(b) after subsection (4), insert—

"(4A) Where a requirement is imposed on a person under subsection (1) and the Commission decline to do anything in relation to an application by virtue of subsection (3)—

(a) the Commission must (as soon as reasonably practicable) notify the applicant of their decision to decline to do anything with the application (and the reason for that decision),

(b) section 52A applies as if the decision to decline to do anything with the application were a decision of the Commission on an application to them under this Act.".

(3) In section 40A(6) (annual notices)—

(a) for "Subsection (2) of section 40 applies" substitute "Subsections (2), (3) and (4A) of section 40 apply",

(b) for "it applies" substitute "they apply".

8 Monetary penalties for non-compliance with crofting duties

(1) The 1993 Act is modified as follows.

(2) After section 59A insert—

"59B Power to make provision for imposing monetary penalties for non-compliance

(1) The Scottish Ministers may by regulations—

(a) confer upon the Commission the power to impose and collect monetary penalties on persons who do not comply with such duties under this Act as are specified in the regulations,

(b) repeal or adjust any existing criminal offence and associated penalty for such duties, and

(c) make such further provision as they consider appropriate in connection with the imposition and collection of such penalties.

(2) Regulations under this section must—

(a) provide for the imposition of a monetary penalty to be by way of written notice (a "penalty notice"),

(b) specify the amount of any penalty that may be imposed by the Commission,

(c) require penalties to be paid to the Commission,

(d) provide for the recovery of unpaid penalties as a civil debt,

(e) make provision about—

(i) a person's right to appeal to the Land Court against a decision of the Commission to impose a penalty on the person, and

(ii) the grounds on which a person may appeal.

(3) A penalty notice must include information as to—

(a) the grounds for imposing the penalty,

(b) the amount of the penalty,

(c) how payment may be made,

(d) the period within which payment must be made,

(e) rights of appeal, and

(f) the consequences of failure to make payment within the period specified.

(4) The maximum monetary penalty that may be provided for in regulations under this section is to be no more than the maximum penalty that could be imposed in respect of an offence under level 1 on the standard scale.

(5) Without limit to the generality of subsection (1)(c), regulations under this section may include provision—

(a) specifying the form of a penalty notice,

(b) about additional information which may or must be included in a penalty notice,

(c) about the circumstances in which a penalty notice may or may not be issued (including any test which must be satisfied before the Commission may do so),

(d) about the withdrawal of penalty notices including when it is permissible, the effects of such withdrawal and the procedure by which the withdrawal is effected,

(e) enabling the Commission to extend the period in which payment must be made in any particular case if the Commission considers it appropriate to do so,

(f) about the methods by which penalties may be paid,

(g) about the consequence of failing to make payment of the penalty within the period specified,

(h) specifying additional procedure relating to decisions to impose a penalty or the issuing of penalty notices,

(i) requiring the keeping of accounts and the preparation and publication of statements of account relating to penalties.

(6) Regulations under this section may also—

(a) modify any enactment (including this Act),

(b) make incidental, supplemental, transitional, transitory or saving provision, and

(c) make different provision for different purposes.

(7) Before making regulations under this section, the Scottish Ministers must consult—

(a) the Crofting Commission,

(b) persons that they consider to be representative of the interests of crofters, and

(c) any other person they consider appropriate.

(8) In this section, "the standard scale" has the meaning given by section 225(1) of the Criminal Procedure (Scotland) Act 1995.".

(3) In section 60 (regulations and orders), in subsection (3)(b), after "section 50(10)" (as inserted by section 25(7) of this Act) insert ", section 59B".

9 Statutory conditions: entitlement to fixed equipment

(1) The 1993 Act is modified as follows.

(2) In schedule 2 (the statutory conditions)—

(a) for paragraph 4 substitute—

"4 The crofter is not entitled to any fixed equipment from the landlord in respect of the croft.",

(b) paragraph 7 is repealed.

Assignations

10 Assignations to family members

(1) The 1993 Act is modified as follows.

(2) In section 8 (assignation of croft), after subsection (1B) insert—

"(2A) Subject to subsection (1B) and sections 23(6A) and 26J(13), if the Commission are satisfied that the conditions in subsections (2B) are met—

(a) subsection (1C) does not apply to the application,

(b) they must—

(i) consent to the assignation of the crofter's croft, and

(ii) within 21 days of being so satisfied, notify the crofter, proposed assignee and the landlord that they are satisfied, and

(c) the following provisions of section 58A do not apply to the application—

(i) subsections (3) to (7),

(ii) in subsection (11), the words "or grant it subject to conditions",

(iii) subsections (12A), (16) and (17).

(2B) The conditions are—

(a) the proposed assignee is a member of the crofter's family,

(b) the proposed assignee complies or, at the time the assignation takes effect, will comply, with the duty in section 5AA,

(c) the proposed assignee is not entered in the Register of Crofts as the tenant or owner-occupier crofter of three or more crofts,

(d) the crofter has, when submitting the application for consent to the Commission, given the landlord a copy of the application together with a notice—

(i) informing the landlord that the proposed assignee is a member of the crofter's family, and

(ii) indicating that the landlord may, before the expiry of the period of 28 days beginning with the day on which notice is given, make representations to the Commission, and

(e) the landlord of the croft has, during the period mentioned in paragraph (d)(ii), either consented to or not objected to the proposed assignation.".

Owner-occupier crofters

11 New crofts: power to determine applicant will become the owner-occupier crofter

(1) The 1993 Act is modified as follows.

(2) After section 3A, insert—

"3AZA New crofts: determination that applicant is to become the owner-occupier crofter

(1) Subsection (2) applies in relation to an application made under section 3A(1) which—

(a) is made by an individual,

(b) relates to land which is not occupied, in whole or in part, by any tenant, and

(c) is accompanied by a statement of intent (which is a statement that the applicant wishes, if the Commission make a determination to exercise their power under section 3A(1) to constitute land as a croft, to become the owner-occupier crofter of the croft so constituted).

(2) The procedure in section 3A continues to apply in relation to the application, but subject to the following modifications—

(a) the reference in subsection (5) to an application is to be read as including a reference to the statement of intent,

(b) the reference in subsection (6) to the application is to be read as including a reference to the statement of intent,

(c) as if for subsection (7) there were substituted—

"(7) After the period mentioned in subsection (6) has elapsed the Commission must—

(a) determine whether to—

(i) accept the application and in doing so—

(A) exercise their power under subsection (1) to constitute the land as a croft, and

(B) at the same time, determine that the applicant is to become the owner-occupier of the croft so constituted, or

(ii) reject the application, and

(b) give public notification of that determination.",

(d) in subsection (8)—

(i) the reference in paragraph (b) to the application is to be read as including a reference to the statement of intent,

(ii) as if after paragraph (c) there were inserted—

"(d) whether the applicant is or will be ordinarily resident on, or within 32 kilometres of, the croft,

(e) whether the land is being or will be cultivated or put to any environmental use (within the meaning given in section 5C(8A)) or to another purposeful use,

(f) any plan of the Commission approved and published under section 2C, and

(g) any other matter the Commission considers relevant.",

(e) subsection (9) is omitted.".

12 Meaning of "owner-occupier crofter" etc.

(1) The 1993 Act is modified as follows.

(2) In section 19B (meaning of "owner-occupier crofter")—

(a) in subsection (1)—

(i) the words "all the conditions in subsections (2) to (4) are satisfied," become paragraph (a),

(ii) after that paragraph insert—

"(b) the Commission determined the person to be an owner-occupier crofter at the time the land was constituted as a croft under section 3A (see section 3AZA), or

(c) the Commission determines the person to be an owner-occupier crofter under section 19BA(1).",

(b) for subsection (2), substitute—

"(2) The first condition is that—

(a) the person is the owner of a croft, and

(b) if the person became the owner of the croft after the relevant date, the person is an individual.",

(c) in subsection (3)—

(i) the "or" immediately following paragraph (b) is repealed,

(ii) after paragraph (b), insert—

"(ba) is a successor in title to a person who was determined by the Commission to be the owner-occupier crofter of the croft at the time the land was constituted as a croft under section 3A,",

(ii) after paragraph (c), insert—

"(d) purchased the croft from a non-natural person that became the owner of the croft after the relevant date having acquired the croft from the owner-occupier crofter of the croft or having purchased the croft from the constituting landlord (or is a successor in title to such a person who purchased the croft from the non-natural person), or

(e) is a successor in title to a person who was determined by the Commission to be the owner-occupier crofter of the croft under section 19BA.",

(d) in subsection (4)—

(i) the "or" immediately following paragraph (a) is repealed,

(ii) after paragraph (b) insert—

"(c) at any time since it was purchased by the non-natural person as mentioned in subsection (3)(d), or

(d) at any time since the Commission made their determination as mentioned in subsection (3)(e).",

(e) after subsection (5) insert—

"(5A) For the purposes of subsections (2) and (3)—

"owner" includes a person whose title to a croft has not been completed by being registered in the Land Register of Scotland or, as the case may be, recorded in the General Register of Sasines,

"relevant date" is the date on which section 12(2) of the Crofting and Scottish Land Court Act 2026 comes into force.",

(f) after subsection (6) insert—

"(7) The Scottish Ministers may by regulations make further provision about circumstances in which the first condition is satisfied including, in particular, provision about what land or rights may be considered a croft (or a part of a croft) for the purpose of that condition.

(8) Before making regulations under subsection (7), the Scottish Ministers must consult the Commission.

(9) Regulations under subsection (7) may include such consequential, transitional, transitory or saving provision as the Scottish Ministers consider necessary or expedient.".

(3) After section 19B insert—

"19BA Determination that a person is the owner-occupier crofter in certain circumstances

(1) The Commission may, on an application from an individual who is the owner of a registered croft that is vacant, determine that the applicant is the owner-occupier crofter of the croft.

(2) Section 58A applies to the Commission making a determination under subsection (1) as it applies to the Commission making a decision in respect of an application for approval or consent.

(3) Where an owner has submitted an application under subsection (1), the duties in section 23(5) and (5A) do not apply until the Commission has determined the application.

(4) The notification requirement arising by virtue of section 23(12A) does not apply where an owner of a vacant croft is determined to be an owner-occupier crofter under subsection (1).

(5) For the purposes of subsection (1), "owner" is to be construed in accordance with section 19B(2) (including any regulations made in that regard under section 19B(7)).".

13 Power to make provision about the sale of owner-occupied crofts

(1) The 1993 Act is modified as follows.

(2) After section 29C (inserted by section 6(3)), insert—

"Transfer of owner-occupied crofts

29D Power to make provision about the transfer of owner-occupied crofts

(1) The Scottish Ministers may by regulations make provision for or in connection with the transfer of owner-occupied crofts.

(2) Regulations under this section may, in particular, make provision—

(a) specifying any conditions which must be met, by either by the purchaser or seller, prior to the transfer of an owner-occupied croft (including, for example, a requirement to obtain the prior consent of the Commission),

(b) about the circumstances in which any condition specified may or may not apply in relation to such a transfer,

(c) about the process for determining if such conditions are met including, for example—

(i) any requirement to give public notification of the proposed transfer,

(ii) the period during which, and manner in which, objections may be made, and

(iii) any particular matter to which regard must be had in making such a determination,

(d) in relation to any right in a common grazing which pertains to the owner-occupied croft (including any tenancy of a deemed croft held by the owner-occupier crofter by virtue of section 3(5)(a) in respect of such a common grazing),

(e) about the consequences of completing the transfer of the owner-occupied croft having failed to meet any condition specified (for example, the new owner does not become the owner-occupier crofter of the croft),

(f) conferring functions on a person or persons of a description specified in the regulations,

(g) about—

(i) a person's right to appeal to the Land Court against a decision of the Commission affecting the transfer of an owner-occupied croft, and

(ii) the grounds on which a person may appeal.

(3) Regulations under this section may also—

(a) modify any enactment (including this Act),

(b) make incidental, supplemental, transitional, transitory or saving provision, and

(c) make different provision for different purposes.

(4) Before making regulations under this section, the Scottish Ministers must consult—

(a) the Crofting Commission,

(b) persons that they consider to be representative of the interests of owner-occupier crofters and crofters, and

(c) any other person they consider appropriate.".

(3) In section 60 (regulations and orders), in subsection (3)(b), after "section 5C(8B)," (as inserted by section 2(5) of this Act) insert "section 29D,".

Restriction on assignation and acquisition following Commission let

14 Ten-year restriction on assignation and acquisition following Commission let

(1) The 1993 Act is modified as follows.

(2) In section 23 (vacant crofts), after subsection (6), insert—

"(6A) Where a croft has been let by the Commission under subsection (5C)—

(a) the Commission must not, unless they are satisfied that there are exceptional circumstances which merit it, consent to an application for the assignation of the croft (or any part) under section 8(1), and

(b) the Land Court must not make an order under section 13(1)(a) authorising the acquisition of the croft land (or any part),

within the period of 10 years beginning with the date of the let.".

(3) In section 26J (owner-occupier crofters: letting procedure), after subsection (12), insert—

"(13) Where an owner-occupied croft has been let by the Commission under subsection (8)—

(a) the Commission must not, unless they are satisfied that there are exceptional circumstances which merit it, consent to an application for the assignation of the croft (or any part) under section 8(1), and

(b) the Land Court must not make an order under section 13(1)(a) authorising the acquisition of the croft land (or any part),

within the period of 10 years beginning with the date of the let.".

15 Authorisation by Land Court of acquisition of croft land: breach of duty

(1) The 1993 Act is modified as follows.

(2) In section 13 (authorisation by Land Court of acquisition of croft land), after subsection (2) insert—

"(2A) The Land Court—

(a) may, where it has received a copy of a notice given to the crofter by the Commission under section 26C(1), sist proceedings in respect of an application made under section 12(1) until the Commission confirm—

(i) they are satisfied that the duty is being complied with, or

(ii) any of the circumstances mentioned in section 26E(c), (d)(i), (e)(i) or (f)(i) apply, and

(b) must not make an order in accordance with subsection (1)(a) where it is satisfied by the Commission that the crofter is not complying with any of the duties mentioned in section 5AA, 5B or 5C.".

Requirement for proposed crofter to be aware of duties

16 Requirement for proposed crofter to be aware of duties

(1) The 1993 Act is modified as follows.

(2) In section 8 (assignation of croft), after subsection (1B) insert—

"(1C) Where consent is applied for under subsection (1), the Commission may not grant that consent unless it is satisfied that the proposed assignee is aware of the duties they would have as a crofter, following any such assignation, under sections 5AA, 5B and 5C.".

(3) After section 19BA (as inserted by section 12 of this Act) insert—

"19BB Regulations about making proposed owner demonstrate awareness of owner-occupier duties

(1) The Scottish Ministers may, by regulations, make provision about how a person is to satisfy the Commission that the person is aware of the duties of an owner-occupier crofter under section 19C before the person may—

(a) acquire title to a croft as the nominee of a crofter, or

(b) purchase a croft from a constituting landlord.

(2) Regulations under subsection (1) may, in particular, make provision about—

(a) the steps which must or may be taken by a person to satisfy the Commission of the person's awareness of the duties, and

(b) the effect of a failure to take such steps.

(3) Regulations under subsection (1) may modify any enactment (including this Act).".

(4) In section 23 (vacant crofts)—

(a) after subsection (3) insert—

"(3ZZA) Where approval is applied for under subsection (3), the Commission may not grant that approval unless it is satisfied that the person that the croft (or any part of such a croft) is proposed to be let to is aware of the duties they would have as a crofter, following any such approval, under sections 5AA, 5B and 5C.",

(b) after subsection (5C) insert—

"(5CA) The Commission may not make a determination under subsection (5C) to let the croft to an applicant unless it is satisfied that the applicant is aware of the duties they would have as a crofter, following any such determination, under sections 5AA, 5B and 5C.".

(5) In section 60 (regulations and orders), in subsection (3)(b), after "section 5C(8B)," (as inserted by section 2(5) of this Act) insert "section 19BB(1),".

Absences from crofts

17 Guidance relating to absences from crofts

After section 21D of the 1993 Act insert—

"21E Guidance relating to absences from crofts

(1) The Commission must publish guidance in relation to how it exercises its functions under sections 21B to 21D.

(2) Guidance published under this section is to include information about—

(a) what may (or may not) be considered a good reason for a person not to be ordinarily resident on, or within 32 kilometers of a croft or, as the case may be, owner-occupied croft,

(b) how the duties under this Act that apply in relation to a croft, or as the case may be, an owner-occupied croft, are to be complied with during any period that consent under section 21B(1) has been granted, and

(c) the conditions that may be imposed when granting consent under section 21B including, in particular, conditions as to the duration of any absence and when that may be extended.

(3) Guidance under this section may include such other information as the Commission consider appropriate.".

Decrofting

18 Decrofting direction: rationalisation of routes and requirements

(1) The 1993 Act is modified as follows.

(2) In section 24 (decrofting in case of resumption or vacancy of croft), in subsection (3), for "Where a croft" substitute "Subject to section 25(1), where a croft".

(3) In section 25 (provisions supplementary to s.24(3))—

(a) in subsection (1)—

(i) in the opening words, for "shall" where it first occurs substitute "may only",

(ii) in paragraph (a), the words "subject to subsection (2) below," are repealed,

(b) subsection (2) is repealed.

19 Commission decision-making on decrofting applications

(1) The 1993 Act is modified as follows.

(2) In section 24C(2) (application of section 25 in relation to decrofting directions), in substituted paragraph (b)(ii), after "under section" insert "24(3) or".

(3) In section 25 (provisions supplementary to s.24(3))—

(a) in subsection (1B), after paragraph (b) insert—

"(c) any plan of the Commission approved and published under section 2C,

(d) any other matter which the Commission consider relevant.",

(b) after subsection (1C), insert—

"(1D) In determining whether they are satisfied in respect of any matter mentioned in subsections (1)(a) and (b), the Commission may take into account whether a direction under section 24(3) has already been given in relation to land which

previously formed part of the croft (or was deemed to form part of the croft by virtue of section 3(4) or (5)).",

(c) after subsection (6) insert—

"(6A) As regards—

(a) an application under section 24(3), a member of the crofting community of the township within which the land is situated,

(b) an application under subsection (4) of this section, the owner of the land,

may, within the period of 28 days beginning with the day of the public notification of the application under subsection (6), submit to the Commission an objection as regards the application.

(6B) In considering their decision on the application, the Commission—

(a) must have regard to any objection received under subsection (6A),

(b) may (despite subsection (6A)) accept an objection submitted after the end of the 28-day period if they consider there is a good reason why the objection is late.

(6C) Subsections (16) and (17) of section 58A apply to objections under subsection (6A) of this section as they apply to objections under that section.".

Boundaries: adjustment and remapping

20 Commission's power to adjust boundaries

(1) The 1993 Act is modified by subsection (2).

(2) After section 39, insert—

"Boundaries

39A Commission's power to adjust boundaries

(1) This section applies where two or more crofters or owner-occupier crofters of registered crofts agree that the boundaries of their respective crofts should be adjusted.

(2) The crofters or owner-occupier crofters may apply jointly to the Commission for a direction that the boundaries be adjusted (a "boundaries adjustment").

(3) An application must include a plan based on the ordnance map (or such other map as the Commission considers appropriate) identifying the requested boundaries of the crofts.

(4) The Commission may make a direction if they are satisfied that—

(a) in the case of an application involving a crofter, the crofter (or each of them) has obtained the consent of the landlord of the croft to make an application under subsection (2),

(b) either—

(i) the period mentioned in section 12(5) of the 2010 Act, in relation to each registered croft, has expired with no application having

been made to the Land Court under section 14(1) of that Act during that period, or

(ii) if such an application was made—

(A) the application was abandoned, or

(B) the Court has disposed of the application by making an order under section 14(4)(b) of the 2010 Act or (as the case may be) by making no order under section 14(4)(b) of that Act, and

(c) the boundaries adjustment does not affect any land deemed to form part of a croft by virtue of section 3(4) or deemed to be a croft by virtue of section 3(5).

(5) A direction under this section—

(a) may be given subject to conditions (including, for example, that any specified land be conveyed),

(b) may not alter the total area of the land comprising the crofts affected by the boundaries adjustment.

(6) Section 58A, as modified by subsection (7) of this section, applies to the Commission making a direction under this section as it applies to the Commission making a decision in respect of an application for approval or consent.

(7) The following provisions of section 58A do not apply for the purpose of making a determination under this section—

(a) subsections (3) to (5B),

(b) in subsection (6), the words "When those 28 days have elapsed",

(c) paragraphs (e) and (f) of subsection (7),

(d) paragraph (b) of subsection (12A), and

(e) subsections (16) and (17).

(8) Where the Commission make a direction under this section—

(a) the direction expires at the end of the period of 3 months beginning with the date on which the direction is made or, if any conditions are specified in the direction, the date on which such conditions are satisfied unless an application for registration of the boundaries adjustment is submitted by virtue of section 5 of the 2010 Act before the expiry of that period,

(b) the boundaries adjustment takes effect on the date of registration.

39B Commission's power to remap boundaries

(1) This section applies where an owner, a crofter or owner-occupier crofter of a registered croft considers that—

(a) the description of the croft in the registration schedule does not correspond with the occupied extent of the croft or the boundary is otherwise inaccurate or undesirable in some respect, and

(b) either (or both)—

(i) land ought to be added to the extent of the croft,

(ii) land ought to be removed from the extent of the croft.

(2) The owner, crofter or owner-occupier crofter may apply to the Commission for a direction that the boundary be remapped ("a boundary remapping").

(3) A person making an application under subsection (2) may make the application jointly with one or more other persons under that subsection.

(4) An application must include a plan based on the ordnance map (or such other map as the Commission considers appropriate) identifying the requested boundary and extent of the croft.

(5) The Commission may make a direction if they are satisfied that—

(a) the description of the croft in the registration schedule does not correspond with the occupied extent of the croft or the boundary is otherwise inaccurate or undesirable in some respect,

(b) either—

(i) the period mentioned in section 12(5) of the 2010 Act, in relation to the registered croft, has expired with no application having been made to the Land Court under section 14(1) of that Act during that period, or

(ii) if such an application was made—

(A) the application was abandoned, or

(B) the Court has disposed of the application by making an order under section 14(4)(b) of the 2010 Act or (as the case may be) by making no order under section 14(4)(b) of that Act,

(c) the applicant has obtained the consent of—

(i) any person the Commission considers has a relevant interest in the application, and

(ii) any other person as may be specified in regulations made under subsection (9), and

(d) the boundary remapping does not affect any land deemed to form part of a croft by virtue of section 3(4) or deemed to be a croft by virtue of section 3(5).

(6) A direction under this section may be given subject to conditions (including, for example, that any specified land be conveyed).

(7) Section 58A applies to the Commission making a direction under this section as it applies to the Commission making a decision in respect of an application for approval or consent.

(8) Where the Commission make a direction under this section—

(a) the direction expires at the end of the period of 3 months beginning with the date on which the direction is made or, if any conditions are specified in the direction, the date on which such conditions are satisfied unless

an application for registration of the boundary remapping is submitted by virtue of section 5 of the 2010 Act before the expiry of that period,

(b) the boundary remapping takes effect on the date of registration.

(9) The Scottish Ministers may by regulations make further provision for the purposes of this section, including—

(a) by specifying any persons, or descriptions of persons, whose consent must be obtained for the purposes of subsection (5)(c)(ii),

(b) by specifying further persons, or descriptions of persons, who are entitled to make an application to the Commission for a direction that the boundary be remapped under this section,

(c) by making different provision for different applicants, types of land or circumstances.".

(3) The 2010 Act is modified by subsections (4) and (5).

(4) In section 5(3) (registration of events affecting registered crofts), after paragraph (o), insert—

"(oa) the making of a direction under section 39A to adjust the boundaries of two or more crofts,

(ob) the making of a direction under section 39B to remap the boundary of the croft,".

(5) In schedule 2, in table 2, after the entry relating to the preparation of a reorganisation scheme as mentioned in section 5(3)(o), insert—

"The making of a direction as mentioned in section 5(3)(oa)	The crofters, or owner-occupier crofters, who applied for that direction
The making of a direction as mentioned in section 5(3)(ob)	The person who applied for that direction or, if the application was made jointly with other persons, those persons jointly"

Common grazings

21 Common grazings: acquisition of shares with croft

(1) The 1993 Act is modified as follows.

(2) In section 3 (meaning of croft and crofter), after subsection (4) insert—

"(4A) For the purposes of this Act, where a crofter has acquired the crofter's entire croft, any right or land as is referred to in subsection (4) pertaining to the croft and acquired by the crofter is deemed to form part of the croft.".

(3) In section 29A (letting of owner-occupied crofts)—

(a) after subsection (8) insert—

"(8A) A lease of a croft granted under this section is deemed to include any right in a common grazing which pertains to the croft and is held by the owner-occupier crofter (either as a pertinent of the tenancy or, as the case may be, as a sub-lease of the right).

(8B) Subsection (8A) does not apply if the lease—

(a) is for part of the croft, and

(b) makes express provision about what is to happen in respect of the rights in the common grazing.",

(b) in subsection (9), the words ", by virtue of a lease granted," are repealed.

(4) In section 48 (powers and duties of grazing committees), after subsection (7), insert—

"(8) For the avoidance of doubt, this section and any common grazings regulations made under it apply to grazing rights in the common grazings which are owned or held by an owner-occupier crofter as they apply to a share in the common grazing; and a reference to a crofter sharing in the common grazing is to be read accordingly.".

22 Common grazings: unattached shares etc.

(1) The 1993 Act is modified by subsections (2) to (5).

(2) After section 19C insert—

"19CA Deemed assignation of certain grazing rights

(1) Subsection (2) applies to a transfer of an owner-occupied croft where—

(a) any rights or land of the kind referred to in section 3(4)(a) or (b) were not acquired as part of the croft, but

(b) the owner-occupier crofter holds those rights as a tenancy of a deemed croft in accordance with section 3(5)(a).

(2) Any transfer of the owner-occupied croft includes an assignation of the tenancy of the deemed croft to the person who is acquiring the owner-occupied croft, unless—

(a) the transferor has first obtained the consent of the Commission to the dividing of the owner-occupied croft for the purposes of transfer under section 19D, and

(b) the conveyance of the owner-occupied croft expressly provides otherwise.

(3) For the avoidance of doubt, subsection (2) does not apply to any rights or land of the kind referred to in section 3(4)(a) or (b) which, prior to the croft's acquisition, did not form part of the croft being transferred unless those rights or land form part of the same common grazing or area as those which were originally deemed to form part of the croft.".

(3) In section 19D (division of owner-occupied crofts), in subsection (8), after the definition of "original croft" insert—

""owner-occupied croft" includes—

(a) any heritable right of grazing which pertains to the croft, and

(b) any rights or land which is held by the owner-occupier crofter by virtue of section 3(5)(a),".

(4) In section 52 (miscellaneous provision as to common grazings etc.), in subsection (1E)(b), for sub-paragraph (ii) substitute—

"(ii) either—

(A) allocate the share or part to other persons sharing in the common grazing, or

(B) give notice to the owner under section 52ZA(2) in respect of the share or part in the same manner as if it were an unattached grazing share (within the meaning of that section).".

(5) After section 52, insert—

"52ZA Unattached grazing shares

(1) This section applies to any right or land that is or was deemed to be a croft under section 3(5)(a) (such right or land being referred to in this section as an "unattached grazing share") which has, for any reason, become vacant.

(2) The Commission may, in respect of an unattached grazing share ("the share"), give notice to the owner requiring the owner to submit to them, before the expiry of the period of 2 months beginning with the day on which the notice is given ("the proposal period"), the owner's proposals for the allocation and re-letting of the share (in whole or in part).

(3) Not more than three proposals may be submitted to the Commission in response to a notice given under subsection (2).

(4) Where a proposal for the allocation and re-letting of the share is submitted to the Commission in response to a notice given under subsection (2), the Commission must approve or reject the proposal within the period of 5 months beginning with the day on which the notice under subsection (2) was given.

(5) The Commission must (as soon as is reasonably practicable) proceed in accordance with subsections (6) and (7) if—

(a) no proposals for the allocation and re-letting of the share are submitted by the owner before the expiry of the proposal period,

(b) the owner has submitted one or two proposals for the allocation and re-letting of the share within the proposal period, and—

(i) all such proposals are rejected by the Commission, and

(ii) the proposal period has expired, or

(c) the owner has submitted three proposals for the allocation and re-letting of the share within the proposal period and the Commission have rejected all three.

(6) The Commission must, by public notification, invite applications for tenancy of the share within such period as is specified in the notification.

(7) When the period specified in the notice has elapsed, the Commission must determine—

(a) to which of the applicants (if any) to allocate and let the share, and

(b) in consultation with the owner, on what terms and conditions the letting is to occur.

(8) The Commission must consult with the grazings committee (if any) before—

(a) approving or rejecting a proposal under subsection (4), and

(b) determining which applicant is to be allocated and let the share under subsection (7)(a).

(9) Following the allocation and letting of the share (whether by virtue of approval under subsection (4), or as the case may be, determination under subsection (7)(a)), the Commission must ensure that the Register of Crofts and the Crofting Register are appropriately updated.

(10) This section does not limit the powers and duties of the Commission under section 23 (vacant crofts) in respect of an unattached grazing share.

(11) In this section, a reference to the owner is a reference to—

(a) the person who is entitled to any rent which is or may be payable in respect of the share, or

(b) if the person who is so entitled is the former owner of the croft to which the share pertains and cannot after reasonable inquiry be found, the person who is the owner of the common grazing of which the share forms part.

(12) In this section, a reference to the allocation of an unattached grazing share is a reference to the share (in whole or in part) being offered to (either or both)—

(a) a person who already has a share in the common grazing concerned (whether as a crofter or otherwise),

(b) a person who does not have a share in the common grazing concerned.".

(6) The 2010 Act is modified by subsection (7).

(7) In section 11 (the registration schedule)—

(a) in subsection (2), after paragraph (b), insert—

"(ba) so far as not entered by virtue of paragraph (a), details of any rights or land of the kind referred to in section 3(4)(a) or (b) of the 1993 Act which form part of, pertain to, or are otherwise held in connection with the croft including, in particular, any right or land deemed to be a croft by virtue of section 3(5)(a) of the 1993 Act (and, if appropriate, a reference to the registration schedule of that deemed croft),

(bb) where the croft is a deemed croft by virtue of section 3(5)(a) of the 1993 Act, details (if any) of the croft to which it pertains or is held in connection with,",

(b) in subsection (3), in paragraph (a), after "not" insert "(except to the extent required by subsection (2)(ba))".

23 Grazings committees meetings

(1) The 1993 Act is modified as follows.

(2) In section 47 (appointment, etc., of grazings committee or grazings constable)—

(a) in subsection (1), for "public notification has" substitute "public notification and notification to the Commission have",

(b) after subsection (4), insert—

"(4A) A public meeting to appoint a new grazings committee may not be held more than 3 months before the date of the expiry of the period of the term of office mentioned in subsection (4).".

(3) After section 50B, insert—

"50C Meetings related to common grazings: attendance by electronic means

Nothing in sections 47, 48 or 50B precludes the holding of a particular meeting referred to or required by those sections by electronic means (without requiring physical attendance at a particular place by participants) and common grazings regulations under section 49(2)(g) may make provision accordingly.".

24 Appointment, etc., of grazings committee or grazings constable: appeal to Land Court

(1) The 1993 Act is modified as follows.

(2) After section 47, insert—

"47A Appeals

(1) A relevant person may appeal to the Land Court against a decision of the Commission under section 47(8) to—

(a) remove either (or both)—

(i) any or all of the members of a grazings committee,

(ii) the grazings clerk (within the meaning given in section 47(6A)) of the committee, or

(b) appoint or provide for the appointment of other persons in their place.

(2) An appeal under subsection (1) must be made before the expiry of the period of 42 days beginning with the day on which the decision is made.

(3) An appeal under subsection (1) may be made only on one or more of the following grounds—

(a) that the Commission erred in law,

(b) that the Commission made a finding as to a fact material to the decision but did not have sufficient evidence on which to base that finding,

(c) that the Commission acted contrary to natural justice,

(d) that the Commission took into account certain irrelevant or immaterial considerations,

(e) that the Commission failed to take into account certain relevant or material considerations,

(f) that the Commission exercised their discretion in an unreasonable manner.

(4) In an appeal under this section, the Land Court may—

(a) confirm or revoke the decision,

(b) direct the Commission to make a different decision, or

(c) remit the case to the Commission without so directing them.

(5) The Commission must give effect to the decision of the Land Court on an appeal under this section.

(6) In this section, a "relevant person" means a person who—

(a) either (or both)—

(i) is a member of the grazing committee to which the decision of the Commission relates,

(ii) is the grazings clerk of that committee, or

(b) would have been a person mentioned in paragraph (a)(i) or (ii), but for the decision of the Commission.".

25 Use of common grazings for forestry or environmental purposes

(1) The 1993 Act is modified as follows.

(2) In section 48 (powers and duties of grazings committees)—

(a) for subsection (4) substitute—

"(4) Where a determination has been entered into the Register of Crofts in accordance with section 50ZA, the grazings committee may—

(a) plant trees on, and use as woodlands, any part of the common grazing, or

(b) use any part of the common grazing for an environmental purpose,

in accordance with the determination (but see subsection (6)).",

(b) in subsection (6), for "planted with trees and used as woodlands" substitute "used—

(a) as woodlands, or

(b) for an environmental purpose.".

(3) For section 50 (use of common grazings for forestry purposes), substitute—

"50 Use of common grazings for forestry or environmental purposes: consent of owner

(1) Subsection (2) applies where a grazings committee or any crofter who holds a right in the common grazing, proposes that the committee should, in exercise of their power under section 48(4)—

(a) plant trees on, and use as woodlands, any part of the common grazing, or

(b) use any part of the common grazing for an environmental purpose.

(2) The grazings committee must apply to the owner of the common grazing requesting consent to the proposed use of the part of the common grazing concerned.

(3) The owner may, on an application under subsection (2), decide to—

(a) grant consent—

(i) subject to reasonable conditions,

(ii) without conditions, or

(b) refuse consent on (and only on) the grounds that implementation of the proposal would—

(i) adversely affect the exercise of any rights which the owner has under or by virtue of schedule 2,

(ii) prevent an intended resumption by virtue of section 20(1),

(iii) be detrimental to the sound management of the estate which comprises the land,

(iv) cause hardship to a crofter who shares in the common grazing,

(v) cause the owner hardship, or

(vi) lessen the amenity of (either or both)—

(A) the land,

(B) its surrounding area.

(4) A decision under subsection (3) must—

(a) specify the part of the common grazing to which it relates,

(b) where the decision is to grant consent subject to reasonable conditions, specify—

(i) the conditions,

(ii) the reasons for imposing the conditions, and

(iii) the reasons for which the owner considers the conditions to be reasonable,

(c) where the decision is to refuse consent, provide reasons explaining the basis of the refusal by reference to the grounds mentioned in subsection (3)(b), and

(d) be given to—

(i) the grazings committee, and

(ii) the Commission.

(5) If the owner does not make a decision under subsection (3) (and in accordance with subsection (4)) within the period of 8 weeks beginning with the day on which the application is made, the owner is deemed to have decided to grant consent, without conditions, to the proposed use of the part of the common grazing.

(6) The reference in this section and section 50ZA to using any part of the common grazing as woodlands is to having the right to exclusive economic and recreational use, including (but not limited to)—

(a) felling, removing, selling and replacing the trees in question,

(b) collecting trimmings, fallen timber, foliage, sap, flowers, fruit, seeds or nuts for use or sale,

(c) grazing animals in the woodlands, and

(d) selling timber, timber products and other forestry products.

(7) The reference in this section and section 50ZA to using any part of the common grazing for an environmental purpose, includes (but is not limited to) using the land for—

(a) peatland restoration,

(b) habitat creation and restoration,

(c) water management (for example, the making or improving watercourses, ponds or wells),

(d) preserving, protecting, restoring, enhancing or otherwise improving the natural heritage or environment,

but may not include using the land for the generation, transmission or storage of energy.

(8) But subsections (6) and (7) are without prejudice to any person's access rights (within the meaning of Part 1 of the Land Reform (Scotland) Act 2003).

(9) Consent granted or deemed to be granted under this section is of no effect unless confirmed by the Commission under section 50ZA and entered into the Register of Crofts (see section 50ZA(8)).

(10) Without prejudice to the generality of subsection (7), the Scottish Ministers may by regulations modify that subsection to add, amend, remove or exclude a use.

50ZA Use of common grazings for forestry or environmental purposes: application to and determination by Commission

(1) This section applies where—

(a) the grazings committee has made an application under section 50(2) to the owner of a common grazing requesting consent to—

(i) plant trees on, and use as woodlands, any part of the common grazing, or

(ii) use any part of the common grazing for an environmental purpose, and

(b) the owner, either—

(i) makes a decision under section 50(3), or

(ii) fails to make a decision under that section within the period of 8 weeks beginning with the day on which the application is made.

(2) The grazings committee must apply to the Commission for a determination that the decision under section 50(3), or deemed decision under subsection (5) of that section, is reasonable.

(3) The Commission may determine that the decision, or deemed decision, is—

(a) reasonable, or

(b) unreasonable.

(4) Where the Commission determine that a decision to refuse consent is unreasonable, the Commission may determine under subsection (3) that the consent is to be deemed given—

(a) subject to conditions, or

(b) without conditions.

(5) In relation to a decision of an owner to grant consent but subject to a condition the Commission may, if it is not satisfied that the condition is reasonable, determine under subsection (3) that the consent is to be deemed given—

(a) without the condition, or

(b) subject instead to a condition specified in the determination.

(6) Where the Commission determine that a decision, or deemed decision, of an owner to grant consent without conditions is unreasonable the Commission may determine under subsection (3) that—

(a) the consent is to be deemed given subject to conditions, or

(b) the consent is deemed to be refused.

(7) A determination under subsection (3) which determines the decision, or deemed decision, of the owner to grant consent is reasonable or (as the case may be) determines consent is to be deemed given must specify—

(a) the part of the common grazing to which the consent granted or deemed to be granted relates,

(b) the conditions (if any) of such consent.

(8) A determination under subsection (3) which determines the decision, or deemed decision, of the owner to grant consent is reasonable or (as the case may be) determines consent is to be deemed given—

(a) takes effect on being entered in the Register of Crofts,

(b) on being entered is binding on the successors to the owner's interest.

(9) But any determination under this section which determines the decision, or deemed decision, of the owner to grant consent is reasonable or (as the case may be) determines consent is to be deemed given ceases to have effect if the use of the part of the common grazing to which the determination relates has not commenced on the expiry of the period of 5 years beginning with the date on which the determination is entered in the Register of Crofts.

(10) Where a determination specifies a condition that land be fenced, or otherwise enclosed, any expenditure incurred in complying with that condition (including expenditure incurred in connection with maintenance, repair or renewal) must be met—

(a) in a case where the applicant is the grazings committee, by that committee, and

(b) in any other case, jointly and severally by the crofters or owner-occupier crofters sharing in the common grazing.

(11) Section 58A, as modified by subsection (12) of this section, applies to the Commission making a determination under subsection (3) as it applies to the Commission making a decision in respect of an application for approval or consent.

(12) The modifications referred to are that—

(a) subsection (6) is omitted,

(b) in subsection (7)—

(i) paragraph (a) is omitted,

(ii) after paragraph (f), insert—

"(fa) the decision by the owner under section 50(3) (including, where the decision is to refuse consent, the reasons provided by the owner explaining the basis of the refusal),",

(c) for subsection (12A), substitute—

"(12A)The Commission must give notice of a determination made under section 50ZA(3) to—

(a) the grazings committee,

(b) the owner, and

(c) any person who objected under subsection (4) or (5A).".".

(4) After section 50A (joint forestry ventures etc.), insert—

"50AA Joint environmental ventures

(1) A crofter who holds a right in a common grazing, or a grazings committee, may, with the agreement of the Commission, enter into a written agreement with the owner of the common grazing to engage in a joint venture to use any part of the common grazing for an environmental purpose (within the meaning of section 50).

(2) The agreement is binding on the parties to it and their successors (but see subsection (4)).

(3) Where an agreement is entered into under subsection (1), a copy of that agreement must be lodged with the Commission.

(4) The persons who for the time being are bound by the agreement in question may by written agreement lodged with the Commission under this subsection amend the agreement lodged under subsection (3) (or as the case may be that agreement as last amended under this subsection).".

(5) In section 50B (use of common grazing for other purposes)—

(a) in subsection (1)—

(i) the "or" immediately after paragraph (a) is repealed,

(ii) after paragraph (b), insert ", or

(c) an environmental purpose.",

(b) for subsection (2), substitute—

"(2) The use proposed must not be such as would be substantially detrimental to the use being made, as at the time of application, of the other parts of the common grazing.",

(c) in subsection (4)—

(i) in paragraph (a)(i), "by registered post" is repealed,

(ii) paragraph (d) is repealed,

(d) subsection (5) is repealed,

(e) after subsection (6), insert—

"(6A) An approval given in respect of an application made under subsection (6)—

(a) takes effect on being entered in the Register of Crofts, and

(b) on being entered is binding on the successors to the owner's interest.

(6B) But any approval given by the Commission ceases to have effect if the use of the part of the common grazing to which the approval relates has not commenced on the expiry of the period of 5 years beginning with the date on which the approval is entered in the Register of Crofts.".

(6) In section 53(1) (jurisdictional provisions), paragraph (e) is repealed.

(7) In section 60(3) (regulations and orders), in paragraph (b), after "section 5C(8B)" (inserted by section 2(5)) insert ", section 50(10) or".

26 Consultation on common grazings

(1) The Scottish Ministers must, within 5 years of Royal Assent, undertake a consultation on measures to improve the regulation of common grazings.

(2) The consultation under subsection (1) must, in particular, include consideration of—

(a) measures to increase the number of common grazings for which a grazings committee is appointed,

(b) measures to improve transparency in relation to the persons holding shares in common grazings, and

(c) action that may be taken where such persons referred to in paragraph (b) cannot be identified.

Meaning of crofting community, parish and township

27 Meaning of "crofting community", "parish" and "township"

(1) The 1993 Act is modified as follows.

(2) In section 61 (interpretation)—

(a) in subsection (1), the definition of "crofting community" is repealed,

(b) after subsection (1), insert—

"(1A) In this Act, a reference to a "crofting community" is a reference to—

(a) the persons who are (or who are deemed to be) crofters of crofts situated within a township,

(b) the persons who are owner-occupiers of crofts situated within that township, and

(c) any other person who has a share in any common grazings associated with that township,

and a reference to a "member of a crofting community" is to be construed accordingly.

(1B) In this Act, unless the context otherwise requires, a reference to a "parish" or a "township" within which something is situated is a reference to the parish or township entered in the Register of Crofts in respect of that thing.".

Crofts not to be private residential tenancies

28 Tenancies which cannot be private residential tenancies

(1) The Private Housing (Tenancies) (Scotland) Act 2016 is modified as follows.

(2) In schedule 1, after paragraph 4, insert—

"4A(1) A tenancy cannot be a private residential tenancy if the let property includes a croft.

(2) For the purposes of this paragraph, "croft" means—

(a) a holding which is a croft within the meaning of section 3 of the Crofters (Scotland) Act 1993,

(b) land or a holding in relation to which the Crofting Commission have made a determination under section 3A(1) of that Act or, as the case may be, section 3A(2) of that Act, to constitute the land or holding as a croft,

(c) a holding which is a croft within the meaning of section 3ZA of that Act.".

Commission's directions etc.

29 Power of Commission to correct inaccuracies in directions etc.

(1) The 1993 Act is modified as follows.

(2) After section 58B insert—

"58C Correction of inaccuracies in directions etc.

(1) This section applies where the Commission become aware of an inaccuracy in a direction, determination, decision or other document made, given or issued by them following the exercise of a function mentioned in subsection (5).

(2) The Commission may vary the direction, determination, decision or other document to correct the inaccuracy if—

(a) what is needed to do so is manifest, and

(b) the conditions in subsection (3) are met.

(3) The conditions are that the Commission—

(a) have given notice of their intention to vary the direction, determination, decision or other document to correct the inaccuracy to any person appearing to them to be affected by the variation at least 14 days in advance of the variation being made, and

(b) having had regard to any representations received within that 14 day period, are satisfied that—

(i) the original direction, determination, decision or other document has not been acted upon by any affected person in a way which indicates that the person has been misled by the inaccuracy, and

(ii) the proposed variation is not disputed by any affected person.

(4) A notice under subsection (3)(a) must indicate that the person may, before the expiry of the period of 14 days beginning with the day on which notice is given to the person, make representations to the Commission.

(5) The functions referred to in subsection (1) are—

(a) the constituting of land or a holding as a croft under section 3A(1) or (2),

(b) the giving of a direction enlarging a croft under section 4,

(c) the giving of a decrofting direction under section 24(2) or (3),

(d) the giving of a decrofting direction under section 24B(1),

(e) the preparation of a reorganisation scheme under section 38(8)(a),

(f) the giving of a direction that boundaries be adjusted under section 39A,

(g) the giving of a direction that a boundary be remapped under section 39B,

(h) the giving of a direction that land is to form part of a common grazing under section 51,

(i) constituting land as a common grazing under section 51A,

(j) the decision to apportion a common grazing under section 52(3) or (4).”.

CHAPTER 2

REGISTRATION

Register of Crofts

30 Requirement to give Commission notice of change of ownership

(1) The 1993 Act is modified as follows.

(2) In section 17 (provisions supplementary to sections 13 and 15), subsection (7) is repealed.

(3) After section 40A, insert—

"40B Requirement to give Commission notice of change of ownership

(1) Subsection (2) applies in relation to the transfer (whether or not for valuable consideration) of the ownership of any land on which any of the following are situated—

(a) a croft,

(b) an owner-occupied croft,

(c) a common grazing.

(2) The person who acquires the land must, within 1 month of ownership transferring, give notice to the Commission of the change of ownership.

(3) The Commission may by notice given to the person who acquired the land require the person to provide the Commission with information relating to—

(a) the transfer of the ownership of the land, and

(b) any other matter the Commission may require.

(4) Where the Commission—

(a) has cause to believe that a person has not complied with the duty in subsection (2), or

(b) are satisfied that the person has not complied with a requirement imposed under subsection (3),

the Commission may reject any objection submitted by the person in accordance with section 58A(4) in relation to an application, unless the failure mentioned in paragraph (a) or (as the case may be) paragraph (b) is remedied within the 28 day period following public notification of the application.

(5) Where the Commission reject an objection submitted by a person in accordance with section 58A(4) by virtue of subsection (4)—

(a) the Commission must (as soon as reasonably practicable) notify the person of their decision to reject the objection (and the reason for that decision),

(b) section 52A applies as if the decision to reject the objection were a decision of the Commission on an application to them under this Act.

(6) The Scottish Ministers may by regulations make provision about when ownership is to be treated as transferred for the purposes of this section.".

31 Changes to the content required in the Register of Crofts

(1) The 1993 Act is modified as follows.

(2) In section 40 (obtaining of information by Commission), in subsection (1A), the words "age and" are repealed.

(3) In section 41(2) (Register of Crofts)—

(a) in paragraph (a), after "location" insert "(including the township and parish within which it is situated)",

(b) in paragraph (b)—

(i) the words ", age and date of birth" are repealed,

(ii) after "landlord" insert "or, as the case may be, the owner-occupier crofter,",

(c) after paragraph (b), insert—

"(ba) the date of birth of the tenant or owner-occupier crofter of each croft,",

(d) for paragraph (ca), substitute—

"(ca) the address of—

(i) the landlord and, where the tenant's address is different from the address of the croft, the tenant, or

(ii) the owner-occupier crofter, where the owner-occupier crofter's address is different from the address of the croft,".

Registration in the Crofting Register

32 First registration of crofts purchased by tenant crofter

(1) The 2010 Act is modified as follows.

(2) In section 4(1) (first registration), for paragraph (c), substitute—

"(c) in any case other than the case of a new croft—

(i) on the taking, in relation to the croft, of any step mentioned in subsection (4) (or, in the case of a step mentioned in paragraph (p) of that subsection, in accordance with that paragraph), or

(ii) in relation to the acquisition by the crofter of the croft land tenanted by the crofter, on the transfer (whether or not for valuable consideration) of the ownership of the croft to the crofter or the crofter's nominee.".

(3) In section 6(1) (persons responsible for applications for registration), after paragraph (a), insert—

"(aa) in the case of a transfer of ownership to the crofter (or the crofter's nominee) of the croft land tenanted by the crofter such as is mentioned in section 4(1)(c)(ii), by the crofter (or the crofter's nominee) to whom such ownership is transferred,".

(4) In section 29 (transfer of land containing crofts: offences)—

(a) after subsection (5) insert—

"(5A) A person commits an offence if, ownership of a croft has been transferred to the person as is mentioned in section 4(1)(c)(ii), the person fails within 1 year of the transfer to apply to register the croft.

(5B) A person commits an offence in respect of each further 1 year period where the person continues to fail to apply to register the transfer mentioned in subsection (5A).",

(b) in subsection (6), for "or (5)" substitute "(5), (5A) or (5B)".

33 Payment of fees for applications for registration

(1) The 2010 Act is modified as follows.

(2) In section 7 (applications for registration)—

(a) in subsection (1), the words ", and the fee payable in respect of such registration," are repealed,

(b) in subsection (3), sub-paragraph (ii) and the word "and" immediately after sub-paragraph (i) are repealed,

(c) in subsection (5), paragraph (c) is repealed.

(3) In section 8 (acceptance of applications for registration), in subsection (2), for paragraph (d) substitute—

"(d) neither—

(i) payment of the fee payable in respect of such registration has been paid, nor

(ii) arrangements satisfactory to the Keeper for payment of the fee have been made.".

(4) In section 26 (applications for registration: common grazings)—

(a) in subsection (1), the words "and the fee payable in respect of such registration," are repealed,

(b) in subsection (4), paragraph (b) and the word "and" immediately after paragraph (a) are repealed,

(c) in subsection (6), paragraph (c) is repealed.

(5) In section 32 (lands held runrig)—

(a) in subsection (6), the words ", and the fee payable in respect of such registration," are repealed,

(b) in subsection (7), paragraph (b) and the word "and" immediately after paragraph (a) are repealed,

(c) in subsection (9), paragraph (c) is repealed.

34 Requirement for certain applications for first registration to be copied to landlord

(1) The 2010 Act is modified as follows.

(2) In section 7 (applications for registration)—

(a) after subsection (2) insert—

"(2A) Where a tenant intends to submit an application for first registration, the tenant must give a copy of the draft application to the landlord at least 21 days before submitting the application to the Commission.

(2B) A tenant making an application for first registration must, at the same time as submitting the application, provide a statement confirming that subsection (2A) has been complied with.",

(b) in subsection (5), before paragraph (a) insert—

"(za) the requirement under subsection (2B) has not been complied with,".

35 Notification of first registration

(1) The 2010 Act is modified as follows.

(2) In section 7 (applications for registration), after subsection (2B) (inserted by section 34 of this Act), insert—

"(2C) An application for first registration must include—

(a) the name and address of the persons who are to be notified of registration under section 12(1), or

(b) in respect of any person to be notified whose name or address is not known to the applicant, an explanation of what steps the applicant has taken to ascertain them.".

(3) In section 12 (notification of first registration)—

(a) for subsection (1), substitute—

"(1) The Keeper must, as soon as reasonably practicable after issuing a certificate of registration under section 9(2), notify any persons mentioned in subsection (3) of the matters mentioned in subsection (4).",

(b) in subsection (2), for "The Commission" substitute "Despite subsection (1), the Keeper",

(c) in subsection (5), for "the Commission issue" substitute "the Keeper issues",

(d) in subsection (6), for "the Commission issue" substitute "the Keeper issues",

(e) in subsection (7), for "Commission" substitute "Keeper".

(4) In section 18 (indemnity in respect of loss)—

(a) in subsection (2), after paragraph (a) insert—

"(aa) a failure to notify a person in accordance with section 12(1),",

(b) after subsection (4) insert—

"(4A) No indemnity is payable in relation to—

(a) a failure such as is mentioned in subsection (2)(aa), or

(b) a mistake such as is mentioned in subsection (2)(e) arising as a consequence of a failure to notify a person under section 12(1),

if the reason for that failure or mistake is attributable to the information provided to the Keeper in respect of such notification being incomplete, incorrect or having changed during the time between the date of receipt of the application and the notification of persons under section 12(1).".

36 Rectification of the Crofting Register

(1) The 2010 Act is modified as follows.

(2) In section 16 (rectification of the register)—

(a) for subsection (1) substitute—

"(1) The Keeper—

(a) may, at any time, amend the register to correct any typographical, clerical or other administrative error,

(b) may rectify the register in accordance with subsections (2) to (4),

(c) must rectify the register on being—

(i) ordered to do so by any court,

(ii) directed to do so by the Commission under section 16A.",

(b) in subsection (5), for "(1)(b)" substitute "(1)(c)(i)",

(c) in subsection (6), for "this section" substitute "subsection (1)(b) or (c)",

(d) after subsection (6), insert—

"(6A) The Scottish Ministers may by regulations modify this section so as to specify further persons, or descriptions of persons, who are entitled to make an application to rectify the register under this section.".

(3) After section 16, insert—

"16A Rectification: direction by the Commission

(1) Where the Commission becomes aware of a material inaccuracy in the register and the conditions mentioned in subsection (2) are met, the Commission may—

(a) direct the Keeper to rectify the register if what is needed to do so is manifest, and

(b) give the Keeper any further direction it considers necessary in connection with the rectification.

(2) The conditions are that the Commission has—

(a) given notice of their intention to issue a direction to any person appearing to them to be affected by the direction at least 28 days in advance of the issuing of a direction, and

(b) had regard to any representations received within that 28 day period.

(3) A notice under subsection (2)(a) must indicate that the person may, before the expiry of the period of 28 days beginning with the day on which notice is given to the person, make representations to the Commission.

(4) In this section "material inaccuracy" means an inaccuracy relating to any matter mentioned in section 11(2)(a) or (b).".

(4) In section 17 (rectification following first registration)—

(a) in subsection (1)(a), for "16(1)(a)" substitute "16(1)(b) or (c)(ii)",

(b) in subsection (5), in the definition of "material inaccuracy" for "has the meaning given by section 7(8)" substitute "means an inaccuracy relating to any matter mentioned in section 11(2) other than a typographical, clerical or other administrative error capable of being corrected under section 16(1)(a)".

(5) In section 18 (indemnity in respect of loss), after subsection (7), insert—

"(7A) A person who suffers loss as a result of a mistake in the register made by the Commission in a direction given under section 16A, the correction of which

would require rectification of the register, is to be indemnified by the Commission in respect of that loss.".

(6) The section heading for section 20 becomes "**Appeals: decisions of the Keeper**".

(7) After section 20 (appeals), insert—

"20A Appeals: direction by Commission to rectify the register

(1) A relevant person may appeal to the Land Court against a decision of the Commission to give a direction under section 16A(1).

(2) An appeal under subsection (1) must be made before the expiry of the period of 42 days beginning with the day on which the Keeper gives notice of the rectification under section 16(6).

(3) An appeal under subsection (1) may be made only on one or more of the following grounds—

(a) that the Commission erred in law,

(b) that the Commission made a finding as to a fact material to the decision but did not have sufficient evidence on which to base that finding,

(c) that the Commission acted contrary to natural justice,

(d) that the Commission took into account certain irrelevant or immaterial considerations,

(e) that the Commission failed to take into account certain relevant or material considerations,

(f) that the Commission exercised their discretion in an unreasonable manner.

(4) In an appeal under this section, the Land Court may—

(a) confirm or revoke the direction,

(b) direct the Commission to make a different direction, or

(c) remit the case to the Commission without so directing them.

(5) The Commission, and the Keeper, must give effect to the decision of the Land Court on an appeal under this section.

(6) In this section, a "relevant person" means a person who is affected by the direction.".

(8) In section 53 (subordinate legislation)—

(a) in subsection (3), before "(4)" insert "(3A),",

(b) after subsection (3), insert—

"(3A) No regulations under section 16(6A) 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.".

37 Form of applications for registration

(1) The 2010 Act is modified by subsections (2) to (3).

(2) After section 19, insert—

"19A Form of applications for registration etc.

(1) The Keeper is to—

(a) specify the form of applications which are to be used for (or in connection with) registration,

(b) publish the forms specified—

(i) on the website maintained by, or on behalf of, the Keeper, or

(ii) in such other similar manner as the Keeper considers appropriate.

(2) Before specifying (or making a change to) a form, the Keeper must—

(a) consult the Crofting Commission, and

(b) publicise the proposed form (or change) in such manner as the Keeper considers appropriate.

(3) If a form of application is prescribed under section 19(1)(c)—

(a) the Keeper is to specify that form, and

(b) subsection (2) of this section does not apply.".

(3) The cross heading preceding section 19 becomes, "*Rules, fees and forms*".

(4) In the Crofting Register (Scotland) Rules 2012 (S.S.I. 2012/294) rules 2(2), 6, 7 and 8 and the schedule are revoked.

Requirement for croft to be registered

38 Enlargement of croft

(1) The 1993 Act is modified by subsection (2).

(2) In section 4 (enlargement of crofts)—

(a) subsection (3) is repealed,

(b) after subsection (4), insert—

"(4A) But the Commission may not make a direction under subsection (4) if, on the date on which the application for the direction was made, the croft was an unregistered croft.",

(c) subsection (5) is repealed,

(d) in subsection (6), in the opening words, for "in relation to a registered croft (other than a first registered croft)" substitute "under subsection (4)",

(e) subsection (8) is repealed.

(3) The 2010 Act is modified by subsections (4) to (6).

(4) In section 4(4) (first registration), paragraph (a) is repealed.

(5) In section 10(4) (completion of registration), "(a)," is repealed.

(6) In schedule 2, in table 1, the entry relating to the making of an application as mentioned in section 4(4)(a) is repealed.

39 Exchange of croft or parts of crofts

(1) The 1993 Act is modified by subsection (2).

(2) In section 4A (exchange of crofts or parts of crofts)—

(a) for subsection (2), substitute—

"(2) The Commission may not grant consent to the exchange of a croft unless it is satisfied that, on the date on which the application was made—

(a) the crofts being exchanged were registered crofts, and

(b) the consent mentioned in paragraph (a)(i) of subsection (1) was obtained.",

(b) subsection (2A) is repealed,

(c) in subsection (2B)—

(i) in the opening words, for "In relation to a registered croft, or any part of such a croft, (other than a first registered croft)" substitute "Where the Commission grants consent to the exchange of a croft (or any part of a croft)",

(ii) in paragraph (a), for "any consent of the Commission to the exchange of the croft" substitute "the consent".

(3) The 2010 Act is modified by subsections (4) to (6).

(4) In section 4(4) (first registration), paragraph (b) is repealed.

(5) In section 10(4) (completion of registration), "(b)," is repealed.

(6) In schedule 2, in table 1, the entry relating to the making of an application as mentioned in section 4(4)(b) is repealed.

40 Assignation of croft

(1) The 1993 Act is modified by subsection (2).

(2) In section 8 (assignation of croft)—

(a) for subsection (1B) substitute—

"(1B) The Commission may not grant consent to the assignation of the crofter's croft if, on the date on which the application for consent was made, the croft was an unregistered croft.",

(b) subsection (6) is repealed,

(c) in subsection (6A), in the opening words, for "In relation to a registered croft (other than a first registered croft)" substitute "In relation to an assignation under this section".

(3) The 2010 Act is modified by subsections (4) to (6).

(4) In section 4(4) (first registration), paragraph (c) is repealed.

(5) In section 10(4) (completion of registration), "(c)," is repealed.

(6) In schedule 2, in table 1, the entry relating to the making of an application as mentioned in section 4(4)(c) is repealed.

41 Division of crofts and owner-occupied crofts

(1) The 1993 Act is modified by subsections (2) and (3).

(2) In section 9 (division of croft)—

(a) for subsection (1A), substitute—

"(1A) The Commission may not grant consent to the division of the crofter's croft if, on the date on which the application for consent was made, the croft was an unregistered croft.",

(b) in subsection (3)—

(i) in the opening words, for "In relation to a registered croft (other than a first registered croft)" substitute "Where the Commission grants consent to the division of a croft",

(ii) in paragraph (a), for "any consent of the Commission given under this section to a division of the croft" substitute "the consent".

(3) In section 19D (division of owner-occupied crofts)—

(a) after subsection (2), insert—

"(2A) The Commission may not grant consent to the division of the owner-occupier's croft if, on the date on which the application for consent was made, the croft was an unregistered croft.",

(b) subsection (3) is repealed,

(c) in subsection (4)—

(i) in the opening words, for "In relation to a registered owner-occupied croft (other than an owner-occupied croft which is a first registered croft)" substitute "Where the Commission grants consent to a division of an owner-occupied croft by virtue of subsection (2)",

(ii) in paragraph (a), for "any consent of the Commission given by virtue of subsection (2) to a division of the owner-occupied croft" substitute "the consent".

(4) The 2010 Act is modified by subsections (5) to (7).

(5) In section 4(4) (first registration), paragraph (d) is repealed.

(6) In section 10 (completion of registration)—

(a) subsection (7) is repealed,

(b) subsection (8) is repealed.

(7) In schedule 2, in table 1—

(a) the entry relating to the making of an application as mentioned in section 4(4)(d)(i) is repealed,

(b) the entry relating to the making of an application as mentioned in section 4(4)(d)(ii) is repealed.

42 Resumption of croft or part of croft by landlord

(1) The 1993 Act is modified by subsection (2).

(2) In section 20 (resumption of croft or part of croft by landlord)—

(a) for subsection (1ZA) substitute—

"(1ZA) But the Land Court may not authorise the resumption of the croft if, on the date on which the application under subsection (1) was made, the croft was an unregistered croft.",

(b) in subsection (1ZB)—

(i) in the opening words, for "In relation to a registered croft, or part of such a croft, (other than a first registered croft)" substitute "In relation to an authorisation under subsection (1)",

(ii) in paragraph (a), for "any authorisation under subsection (1)" substitute "the authorisation",

(c) in subsection (1CA), in the opening words, for "In relation to a registered croft, or part of such a croft" substitute "For the purposes of subsection (1C)",

(d) in subsection (1G)—

(i) in the opening words, for "In relation to a registered croft, or part of such a croft" substitute "Where the Land Court makes a determination under subsection (1F)",

(ii) in paragraph (a) for "any determination under subsection (1F)" substitute "the determination".

(3) The 2010 Act is modified by subsections (4) to (6).

(4) In section 4(4) (first registration), paragraph (g) is repealed.

(5) In section 10(4) (completion of registration), "(g)," is repealed.

(6) In schedule 2, in table 1, the entry relating to the making of an application as mentioned in section 4(4)(g) is repealed.

43 Reversion of resumed land

(1) The 1993 Act is modified by subsection (2).

(2) In section 21A (reversion of resumed land)—

(a) subsection (1A) is repealed,

(b) in subsection (1B)—

(i) in the opening words, for "land which, before being resumed as mentioned in subsection (1), was a registered croft (or part of such a croft)" substitute "an order under subsection (1) that land be resumed",

(ii) in paragraph (a), for "an order under that subsection" substitute "the order".

(3) The 2010 Act is modified by subsections (4) to (6).

(4) In section 4(4) (first registration), paragraph (h) is repealed.

(5) In section 10(3)(a) (completion of registration), "(h)," is repealed.

(6) In schedule 2, in table 1, the entry relating to the making of an application as mentioned in section 4(4)(h) is repealed.

44 Decrofting in case of resumption or vacancy of croft

(1) The 1993 Act is modified by subsections (2) to (6).

(2) In section 24 (decrofting in case of resumption or vacancy of croft)—

(a) for subsection (2ZA) substitute—

"(2ZA) But the Commission may not make a direction under subsection (2) if, on the date on which the landlord gives notice to the Commission, the croft was an unregistered croft.",

(b) subsection (3B) is repealed,

(c) in subsection (3C)—

(i) in the opening words, for "registered croft (other than a first registered croft)" substitute "direction under subsection (2) or (3) (other than one under subsection (3) given by virtue of section 25(4) of this Act)",

(ii) in paragraph (a), for "a direction under subsection (2) or (3) (other than one under subsection (3) given by virtue of section 25(4) of this Act)" substitute "the direction".

(3) In section 24B (Commission's powers in relation to applications under section 24A), for subsection (3) substitute—

"(3) The Commission may not give a decrofting direction under subsection (1) if, on the date on which the owner-occupier made the application to the Commission under section 24A(1), the owner-occupier croft was unregistered.".

(4) In section 24C(4) (application of section 25 in relation to decrofting directions)—

(a) paragraph (b) is repealed,

(b) for paragraph (d), substitute—

"(d) subsection (4ZD),".

(5) In section 24D (effect of decrofting direction) in subsection (3), in the opening words, for "the croft to which the decrofting direction relates is a registered croft (other than a first registered croft)" substitute "a decrofting direction is given in relation to a croft".

(6) In section 25 (provisions supplementary to s.24(3))—

(a) in subsection (1)—

(i) in paragraph (a), for "they" substitute "the application is made in respect of a registered croft and the Commission",

(ii) in paragraph (b), after "part of a croft" insert "which is a registered croft and",

(b) in subsection (4), for "subsections (4ZB) and (4ZD)" substitute "subsection (4ZD)",

(c) subsections (4ZA) to (4ZC) are repealed,

(d) in subsection (4ZD), in the opening words, for "The direction" substitute "In relation to a direction under section 24(3) which is made by virtue of an application under subsection (4), the direction".

(7) The 2010 Act is modified by subsections (8) and (9).

(8) In section 4(4) (first registration), paragraph (l) is repealed.

(9) In schedule 2, in table 1—

(a) the entry relating to the making of an application as mentioned in section 4(4)(l)(i) is repealed,

(b) the entry relating to the making of an application as mentioned in section 4(4)(l)(ii) is repealed,

(c) the entry relating to the making of an application as mentioned in section 4(4)(l)(iii) is repealed.

45 Provisions as to right to sublet

(1) The 1993 Act is modified as follows.

(2) In section 27 (provisions as to right to sublet), for subsection (2) substitute—

"(2) A crofter may not sublet their croft unless—

(a) the croft is a registered croft, and

(b) the crofter has obtained the consent of the Commission.

(2A) A sublease of a croft granted by a crofter in contravention of subsection (2) is null and void.

(2B) But nothing in subsections (2) and (2A) precludes a crofter from subletting any dwelling-house or other building forming part of their croft to holiday visitors.".

46 Letting of owner-occupied crofts

(1) The 1993 Act is modified by subsection (2).

(2) In subsection 29A (letting of owner-occupied crofts)—

(a) for subsection (2), substitute—

"(2) The Commission may not grant consent to the letting of an owner-occupied croft if, on the date on which the application for consent under subsection (1) was made, the owner-occupied croft was unregistered.",

(b) in subsection (3)—

(i) in the opening words, for "Subject to subsection (8), in relation to a registered owner-occupied croft (other than an owner-occupied croft which is a first registered croft), or any part of such a croft" substitute "Where the Commission grants consent to the letting of a croft (or any part of a croft) under subsection (1)",

(ii) in paragraph (a), for "any consent under subsection (1)" substitute "the consent",

(c) subsection (7) is repealed,

(d) subsection (8) is repealed.

(3) The 2010 Act is modified by subsections (4) to (6).

(4) In section 4 (first registration), paragraph (o) is repealed.

(5) In section 10(4) (completion of registration), "(o)" is repealed.

(6) In schedule 2, in table 1, the entry relating to the making of an application as mentioned in section 4(4)(o) is repealed.

47 Requirement for croft to be registered (miscellaneous provisions)

(1) The 1993 Act is modified by subsection (2).

(2) In section 52 (miscellaneous provisions as to common grazings etc.)—

(a) subsection (5A) is repealed,

(b) in subsection (5B), in the opening words, the words "by the crofter of a registered croft (other than a first registered croft)" are repealed,

(c) in subsection (12A), the words "by the crofter of a registered croft (other than a first registered croft)" are repealed.

(3) The 2010 Act is modified by subsections (4) to (6).

(4) In section 4(4) (first registration), paragraph (q) is repealed.

(5) In section 10(4) (completion of registration), "or (q)" is repealed.

(6) In schedule 2, in table 1, the entry relating to the making of an application as mentioned in section 4(4)(q) is repealed.

CHAPTER 3

MISCELLANEOUS

Service of notices and public notification

48 Service of notices

(1) The 1993 Act is modified as follows.

(2) For section 55 (service of notices) substitute—

"55 Service of notices

(1) Any notice or other document required or authorised by or under this Act to be given to or served on a person may be given or served—

(a) by being delivered personally to the person,

(b) by being sent to the proper address of the person—

(i) by a registered post service (as defined in section 125(1) of the Postal Services Act 2000), or

(ii) by a postal service which provides for the delivery of the document to be recorded,

(c) by being transmitted to the person electronically.

(2) But where any notice or other document required or authorised by or under this Act to be given to or served on a person as being the person having any

interest in land and it is not practicable after reasonable inquiry to ascertain their name or address, it may be given or served—

(a) by addressing the notice to "The person with an interest in the land" (describing the land), and

(b) either—

(i) delivering the notice personally to some responsible person on the land, or

(ii) affixing it (or a copy of it) to some conspicuous object on the land.

(3) For the purposes of subsection (1)(b), the proper address of a person is—

(a) in the case of a body corporate, the address of the registered or principal office of the body,

(b) in the case of a partnership, the address of the principal office of the partnership,

(c) in any other case, the last known address of the person.

(4) For the purposes of subsection (1)(c)—

(a) electronic transmission of a document must be effected in a way that the recipient has indicated to the sender that the recipient is willing to receive the document,

(b) the recipient's indication of willingness to receive a document in a particular way may be—

(i) specific to the document in question or generally applicable to documents of that kind,

(ii) expressed specifically to the sender or generally (for example on a website),

(iii) inferred from the recipient having previously been willing to receive documents from the sender in that way and not having indicated unwillingness to do so again,

(c) the sender's uploading of a document to an electronic storage system from which the recipient is able to download the document may constitute electronic transmission of the document.

(5) Where a document is served as mentioned in subsection (1)(b) on an address in the United Kingdom it is to be taken to have been received 48 hours after it is sent unless the contrary is shown.

(6) Where a document is served as mentioned in subsection (1)(c) it is to be taken to have been received 48 hours after it is sent unless the contrary is shown.".

49 Public notification

(1) The 1993 Act is modified by subsections (2) to (4).

(2) In section 25 (provisions supplementary to s.24(3)), for subsection (6) substitute—

"(6) The Commission must—

(a) give public notification of all applications under section 24(3) or subsection (4) (except an application made in respect of a part of a croft consisting only of the site of the dwelling-house on or pertaining to the croft or only of land the conveyance in feu of which was granted under section 17 or 18 of the 1955 Act), and

(b) before disposing of such an application, if requested by the applicant, afford a hearing to the applicant and to such other person as they think fit.".

(3) For section 55A (public notification) substitute—

"55A Public notification

(1) The Scottish Ministers may by regulations make provision about the giving of public notification under—

(a) this Act, and

(b) section 12(8) of the 2010 Act.

(2) Regulations under subsection (1) may, in particular, make provision about—

(a) the ways in which notice must, may or may not be effected,

(b) the form and content of any notice,

(c) the length of time for which a notice is required to be publicly available,

(d) what payments (if any) the Commission is entitled to charge for publishing a notice (for example on a website).

(3) Before making regulations under subsection (1), the Scottish Ministers must consult the Commission.

(4) Regulations under subsection (1) may—

(a) make different provision for different purposes,

(b) include incidental, supplementary, consequential, transitional, transitory or saving provision.

55B Form of public notices

(1) The Commission is to—

(a) specify the form and content of any notice which is to be used for the purpose of giving public notification under this Act or section 12(8) of the 2010 Act ("form of notice"), which may include a requirement to specify—

(i) the purpose of an application to which a notice relates (or in the case of regulations the matters which are required to be set out in it by virtue of section 50B(4)),

(ii) a description of the croft land or, as the case may be, common grazing to which the application relates (or regulations relate), and

(iii) in the case of an application, the period during which, and manner in which, objections may be made, and

(b) publish, in such manner as the Commission considers appropriate, any form of notice it specifies is to be used.

(2) If a form of notice is prescribed under section 55A(1), the Commission is to specify and publish that form of notice.

(3) Where, in accordance with the provisions of this Act, a person giving public notification is also required to serve notice on a landlord, tenant or occupier of croft land to which the application relates or, if applicable, on the owner of, or a crofter sharing in, the common grazing, such notice must be in the form required by this section.".

(4) In section 61(1) (interpretation), in the definition of "public notification" for "has the meaning given by" substitute "is to be construed in accordance with regulations made under".

(5) The 2010 Act is modified by subsection (6).

(6) In section 12 (notification of first registration)—

(a) in subsection (8)—

(i) in the opening words, for "public notice of the registration of the croft by—" substitute "public notification of the registration of the croft.",

(ii) paragraphs (a) and (b) are repealed,

(b) subsections (9) and (10) are repealed.

50 Crofting census notices

(1) The 1993 Act is modified as follows.

(2) In section 40A (annual notices)—

(a) in subsection (5), for "as soon as reasonably practicable after the end of each successive 1 year period" substitute "at least once in every subsequent period of 3 years",

(b) for subsection (7), substitute—

"(7) Section 55 applies in relation to a notice given under subsection (1) of this section as if for subsection (1)(b) of that section there were substituted—

"(b) by being sent by post to the proper address of the person,".",

(c) the section heading becomes "**Duties notice**".

The Crofting Commission

51 Appointment of Chair

(1) Schedule 1 of the 1993 Act (the Crofting Commission) is modified as follows.

(2) In paragraph 3—

(a) in sub-paragraph (1), for "sub-paragraph (2)" substitute "sub-paragraphs (2) and (5A)",

(b) in sub-paragraph (2), after "under" insert "sub-paragraph (5A),",

(c) for sub-paragraph (3) substitute—

"(3) The Scottish Ministers must appoint a person to chair the Commission (the "chair").

(3A) The person appointed under sub-paragraph (3) may be—

(a) a person who is already—

(i) an appointed member of the Commission (in which case the person remains an appointed member on appointment as the chair), or

(ii) an elected member of the Commission (in which case the person remains an elected member on appointment as the chair), or

(b) a person who is not already a member of the Commission (in which case the person becomes an appointed member on appointment as the chair).",

(d) in sub-paragraph (4), for "select a member" substitute "appoint a person",

(e) after sub-paragraph (4), insert—

"(4A) But where the duty to appoint a person to chair the Commission is delegated under sub-paragraph (4), the Commission may only appoint a person who is already—

(a) an appointed member of the Commission (in which case the person remains an appointed member on appointment as the chair), or

(b) an elected member of the Commission (in which case the person remains an elected member on appointment as the chair).",

(f) after sub-paragraph (5), insert—

"(5A) Despite sub-paragraph (1), where the Commission consists of the maximum number of members specified in that sub-paragraph and the chair—

(a) resigns office but does not otherwise cease to be a member of the Commission, and

(b) is not replaced as the chair by a person who is already a member of the Commission,

the Scottish Ministers may appoint a person who is not already a member of the Commission (in which case the person also becomes an appointed member).

(5B) Where a person is appointed as the chair of the Commission who was not already a member of the Commission at the time of their appointment as the chair, the person's membership of the Commission ends when the person ceases to be the chair.".

52 Appointed members: special considerations

(1) Schedule 1 of the 1993 Act (the Crofting Commission) is modified as follows.

(2) In paragraph 4—

(a) in sub-paragraph (1)—

(i) in paragraph (a)—

(A) after sub-paragraph (i), insert "and",

(B) sub-paragraph (iii) is repealed,

(ii) after paragraph (a), insert—

"(aa) where sub-paragraph (3) applies, have regard to the desirability of at least one person appointed representing the interests of landlords of crofts, and",

(b) after sub-paragraph (1), insert—

"(1A) Where sub-paragraph (3) applies, the Scottish Ministers must consult the Commission before making an appointment.",

(c) in sub-paragraph (5), paragraph (c) is repealed.

53 Chairing of Commission meetings and committees

(1) Schedule 1 of the 1993 Act (the Crofting Commission) is modified as follows.

(2) In paragraph 12, after sub-paragraph (2) insert—

"(2A) The Commission must appoint a chair for each of their committees.".

(3) In paragraph 13—

(a) for sub-paragraphs (2) and (3) substitute—

"(2) The chair of the Commission may delegate the chairing of a meeting of the Commission (or a part of such a meeting) to another member.

(3) The chair of a committee may delegate the chairing of a meeting of the committee (or a part of such meeting) to another member of the committee.",

(b) in sub-paragraph (4), after "vote" insert "(but a person chairing only part of a meeting does not have a casting vote in respect of that part)".

Review of crofting legislation

54 Review of crofting legislation

(1) The Scottish Ministers must—

(a) within 3 years of Royal Assent, begin a review of crofting legislation, and

(b) as soon as reasonably practicable after completing the review, prepare a report on that review.

(2) The Scottish Ministers may delegate their functions under subsection (1) to such person as they consider appropriate.

(3) The report under subsection (1) must, in particular, include an assessment—

(a) of the impact and effectiveness of—

(i) the 1993 Act,

(ii) the 2010 Act,

(iii) this Act, and

(b) of whether—

(i) further legislation relating to crofting is required,

(ii) legislation relating to crofting requires to be consolidated.

(4) When undertaking the review under subsection (1), the Scottish Ministers (or, if applicable, the person to whom the function is delegated under subsection (2)) must consult such persons as they consider appropriate.

(5) The Scottish Ministers must, as soon as reasonably practicable after the report is prepared—

(a) publish the report, and

(b) lay it before the Scottish Parliament.

Interpretation of Part 1

55 Interpretation of Part 1

In this Part—

"the 1993 Act" means the Crofters (Scotland) Act 1993,

"the 2010 Act" means the Crofting Reform (Scotland) Act 2010.

PART 2

MERGER OF THE SCOTTISH LAND COURT AND THE LANDS TRIBUNAL FOR SCOTLAND

The Scottish Land Court

56 The Scottish Land Court

(1) The Scottish Land Court (referred to in this Part as "the Court") established by section 3 of the Small Landholders (Scotland) Act 1911 is to continue in being.

(2) Schedule 1 makes provision about the Court, including its constitution, jurisdiction and powers.

Merger of the Scottish Land Court and the Lands Tribunal for Scotland

57 Merger of the Scottish Land Court and the Lands Tribunal for Scotland

(1) On the appointed day (or days) the following are to transfer to the Court—

(a) the jurisdiction and functions of the Lands Tribunal for Scotland (referred to in this Part as "the Tribunal") (and paragraph 15(1)(b) of schedule 1 is to be read accordingly),

(b) any proceedings or other matter which is in the process of being heard or determined by the Tribunal immediately before the appointed day (including any matter on appeal or under review which may have been, but for the transfer, remitted to the Tribunal),

(c) the staff of the Tribunal, and

(d) all property, rights, liabilities and obligations of the Tribunal.

(2) From the appointed day, a member of the Tribunal may hear and determine proceedings and other matters in the Court in the same manner as a member of the Court.

(3) For the purposes of this Part, an "appointed day" is such day as the Scottish Ministers may specify in regulations made under section 66.

58 Savings etc.

(1) The transfer of jurisdiction from the Tribunal to the Court does not affect—

(a) the principles on which any question is to be determined,

(b) the persons on whom the determination is binding,

(c) any provision which requires particular matters to be expressly dealt with or embodied in the determination, or which relates to evidence.

(2) The transfer of proceedings before the Tribunal to the Court does not affect the validity or effect of anything done in, for or by the Tribunal in respect of the exercise of its jurisdiction or functions.

59 Power to make further provision in connection with the merger etc.

(1) The Scottish Ministers may by regulations make further provision for or in connection with the transfer of the things mentioned in section 57(1).

(2) Regulations under this section may modify any enactment (including this Act).

(3) Regulations under this section—

(a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act, but

(b) otherwise, are subject to the negative procedure.

60 Transitory provision: eligibility of suitable members of Lands Tribunal for Scotland to sit in Upper Tribunal

(1) In the Lands Tribunal Act 1949, in section 2 (members, officers and expenses of the Lands Tribunal for Scotland), after subsection (2A) insert—

"(2B) The President may determine that a member of the Lands Tribunal for Scotland appointed in pursuance of subsection (2A)(a) is suitably qualified to be eligible to act as a member of the Upper Tribunal for Scotland.".

(2) In the Tribunals (Scotland) Act 2014, in section 17 (sheriffs and judges), in subsection (4), after "Court" where it second occurs, insert "or a member of the Lands Tribunal for Scotland".

61 Giving or updating guidance on access rights

(1) The Scottish Ministers must, before the transfer of the competence and jurisdiction for the matters referred to paragraph 16 of schedule 1 (access rights) to the Court takes effect, give guidance, or update any guidance given, under section 27 of the Land Reform

(Scotland) Act 2003 so far as necessary to reflect the Court assuming that competence and jurisdiction.

(2) Subsections (4) to (6) of section 27 of the Land Reform (Scotland) Act 2003 do not apply to the updating of any guidance given under that section to the extent required by this section.

62 Reviews of the operation and jurisdiction of the Court

(1) The Scottish Ministers must—

(a) as soon as practicable after the post-commencement period (or each of them), review the operation of this Part as respects the provisions listed or matters and appeals described in subsection (3),

(b) as soon as practicable after the period of 3 years beginning with the date this section comes into force, assess whether any areas of environmental law may, having regard to the nature and range of matters and appeals within the Court's existing competence and jurisdiction, be suitable for adding to the competence and jurisdiction of the Court.

(2) The Scottish Ministers must, before carrying out a review under subsection (1)(a), consult the Lord President of the Court of Session as to the appropriate terms for such a review.

(3) For the purposes of subsection (1)(a), the provisions are—

(a) paragraph 16 of schedule 1 (access rights),

(b) paragraphs 18 to 20 of schedule 1 (arbitration and compensation),

(c) paragraphs 21 and 22 of schedule 1 (community rights to buy: appeals),

(d) paragraphs 23 of schedule 1 (crofting and crofting community right to buy),

(e) paragraph 24 of schedule 1 (march dykes, runrig and commonties),

(f) paragraph 25 of schedule 1 (small landholdings),

(g) paragraph 26 of schedule 1 (succession to certain leases),

(h) any other matter or appeal which is added to the competence or jurisdiction of the Court after the coming into force of this section but before the expiry of the period referred to in subsection (1)(b).

(4) A review under subsection (1)(a) must, in particular, consider—

(a) whether it is desirable to make provision under section 59 or paragraph 15(2) of schedule 1 to improve the operation of the Court or method of appeal in respect of the provision or matter or appeal under review,

(b) if any changes to the eligibility criteria for members of the Court (other than the Chair) are desirable as a result of the competence and jurisdiction of the Court having expanded, and

(c) such other matters as the Scottish Ministers consider relevant.

(5) In carrying out a review or an assessment under this section, the Scottish Ministers must consult—

(a) the Lord President of the Court of Session,

(b) the Chair,

(c) the Scottish Courts and Tribunals Service,

(d) the Scottish Civil Justice Council,

(e) such persons as they consider represent the interests of persons who use the Court, and

(f) such other persons as they consider appropriate.

(6) As soon as reasonably practicable after completing a review or an assessment under this section, the Scottish Ministers must—

(a) prepare a report on the review or assessment,

(b) lay a copy of the report before the Scottish Parliament, and

(c) publish the report in such manner as they consider appropriate.

(7) A report prepared under subsection (6)(a) must include—

(a) in relation to a review, information on the type and number of cases brought within the relevant period, and

(b) in every case, a statement by the Scottish Ministers setting out—

(i) whether they intend to bring forward proposals to modify this Part (including schedule 1),

(ii) where no such proposals are being brought forward, their reasons for not doing so.

(8) In this section, "the post-commencement period" means the period of 3 years beginning with the date on which a provision listed or matter described in subsection (3) comes into force.

(9) Where more than one provision listed or matter described in subsection (3) comes into force on the same day, the Scottish Ministers may review and report on them at the same time and in the same report.

PART 3

GENERAL

63 Minor and consequential provision

Schedule 2 contains minor and consequential amendments.

64 Regulations

(1) A power to make regulations conferred by this Act includes the power to make—

(a) different provision for different purposes or areas, and

(b) incidental, supplemental, consequential, transitional, transitory or saving provision.

(2) This section does not apply to section 66.

65 Ancillary provision

(1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, or in connection with, or for giving full effect to this Act or any provision made under it.

(2) Regulations under this section may—

(a) modify any enactment (including this Act), and

(b) make different provision for different purposes.

(3) Regulations under this section—

(a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act, but

(b) otherwise, are subject to the negative procedure.

66 Commencement

(1) This section and sections 64, 65 and 67 come into force the day after Royal Assent.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

(3) Regulations under this section may—

(a) make different provision for different purposes or areas,

(b) include transitional, transitory or saving provision.

67 Short title

The short title of this Act is the Crofting and Scottish Land Court Act 2026.

SCHEDULE 1
(introduced by section 56(2))

THE SCOTTISH LAND COURT

PART 1

ADMINISTRATION AND ORGANISATION

Incorporation

1 (1) The Court is a body corporate with a common seal which is to be judicially noticed.

(2) Any order or other instrument purporting to be sealed by the common seal is to be received as evidence without further proof.

Appointment of members and Chair of the Court

2 (1) The Court is to consist of such persons as His Majesty, on the recommendation of the First Minister, may appoint as members.

(2) One of the persons appointed by His Majesty is to be appointed as the Chair of the Court.

(3) Before recommending the appointment of a person as the Chair, the First Minister must consult the Lord President of the Court of Session.

(4) A person appointed as the Chair has the same rank and tenure of office as a judge of the Court of Session.

(5) The Chair is to be a person who, at the date of appointment—

(a) is a sheriff principal or sheriff who has held office as such for a continuous period of not less than 10 years,

(b) is a member of the Faculty of Advocates of not less than 10 years' standing,

(c) is a solicitor who, by virtue of section 25A (rights of audience) of the Solicitors (Scotland) Act 1980, has for a continuous period of not less than 10 years had a right of audience in the Court of Session, or

(d) has, for a continuous period of not less than 10 years (discounting any period of relevant training) held a combination of the offices, membership and rights described in paragraphs (a) to (c).

(6) Sub-paragraph (5)(a) does not confer eligibility for appointment as Chair on a temporary sheriff principal or on a part-time sheriff who is not otherwise eligible for appointment.

(7) The membership of the court is to include a person who is able to speak the Gaelic language.

(8) The Scottish Ministers may by regulations make provision about the eligibility for appointment of members of the Court (other than the Chair).

(9) Regulations under sub-paragraph (8) are subject to the negative procedure.

Designation and functions of Deputy Chair

3 (1) The Scottish Ministers may designate as a Deputy Chair any member who is eligible to hold the office of Chair.

(2) Sub-paragraphs (3) to (5) apply where no member is eligible to be designated as Deputy Chair.

(3) The Scottish Ministers may appoint as a Deputy Chair (and member of the Court) a person who is eligible under paragraph 2(5)(a) to hold the office of Chair.

(4) An appointment under sub-paragraph (3) is for such period as the Scottish Ministers may determine.

(5) Before making an appointment under sub-paragraph (3), the Scottish Ministers must consult the Lord President of the Court of Session.

(6) A Deputy Chair—

(a) is to act in place of the Chair for such periods as the Chair may, with the consent of the Scottish Ministers, direct, and

(b) may, when not acting in accordance with a direction under paragraph (a) or under sub-paragraph (7), perform the duties of a member of the Court other than the Chair.

(7) Where there is a vacancy in the office of Chair, or where the Chair is, for whatever reason, unable to act, the Deputy Chair is to act as Chair during such vacancy or inability to act if requested to do so by the Scottish Ministers.

(8) A Deputy Chair designated under sub-paragraph (1) or, as the case may be, appointed under sub-paragraph (3) is, while acting as Chair, to have the same powers and perform the same duties as the Chair.

Principal clerk

4 The SCTS must appoint a suitable person to act as principal clerk to the Court.

Remuneration

5 (1) The SCTS is to pay the Chair of the Court such salary and such allowances as the Treasury may determine.

(2) The SCTS is to pay each of the other members of the Court such salary and such allowances as the Scottish Ministers may determine.

(3) Sums required by the SCTS for the payment of a salary or an allowance under this paragraph are charged on the Scottish Consolidated Fund.

6 (1) The SCTS may pay to a member of the Court such sums as it may determine in respect of expenses reasonably incurred by the member in the performance of, or in connection with, the member's duties.

(2) The SCTS may—

(a) determine the circumstances in which such sums may be paid, and

(b) determine different circumstances for different members.

7 (1) The SCTS is to pay such remuneration as appears to the Scottish Ministers to be reasonable in all the circumstances to—

(a) the Deputy Chair in respect of the additional functions of being Deputy Chair,

(b) persons nominated under paragraph 13.

(2) The SCTS may pay to the Deputy Chair such allowances as it may determine.

(3) The SCTS may pay to each of the following persons such sums as it may determine in respect of expenses reasonably incurred by the person in the performance of, or in connection with, the person's duties—

(a) the Deputy Chair,

(b) persons nominated under paragraph 13.

(4) The SCTS may—

(a) determine the circumstances in which such sums may be paid, and

(b) determine different circumstances for different persons.

8 Expenditure incurred by the Court in the performance of its functions may be paid by the SCTS.

Quorum and delegation

9 Subject to paragraph 10, a quorum of the Court is to be—

(a) the Chair and one other member, or

(b) three of its members, if none of them is the Chair.

10 (1) The Court may delegate such of its powers as it may think expedient to any member or to any 2 members, with or without the assistance of one or more land valuers, assessors or other skilled persons, and may revoke, alter or modify any such delegation of powers.

(2) Subject to any regulations made under paragraph 15(2)(a), any order or determination arrived at under a delegation made in pursuance of this paragraph, other than a delegation to or including a member described in sub-paragraph (3) (whether sitting alone or with others), is on appeal subject to review by such a member sitting with 2 or more members, or nominated former members, of the Court sitting together.

(3) The members are—

(a) the Chair,

(b) a Deputy Chair,

(c) a member designated by the Chair for the purposes of this paragraph as being suitably qualified by virtue of the member—

(i) having held judicial office prior to becoming a member, or

(ii) otherwise having sufficient relevant legal experience to hear and determine cases alone, or

(d) a member of the Lands Tribunal for Scotland appointed in accordance with section 2(2A)(a) of the 1949 Act who is hearing and determining proceedings and other matters by virtue of section 57(2) of this Act.

11 On any question being determined by the Court, whether or not by virtue of paragraph 10, the Chair is to have a casting vote.

12 The reference in paragraph 10(2) to nominated former members is to such members as have vacated office, whether under section 26 of the Judicial Pensions and Retirement

Act 1993 or otherwise, and in relation to the particular review have been nominated under this paragraph by the principal clerk.

Eligibility to act as members of the Upper Tribunal for Scotland

13 The Chair may determine that a member of the Court is suitably qualified to be eligible to act as a member of the Upper Tribunal for Scotland.

Fitness for office and removal of members of the Court

14 (1) Sections 21 to 25 of the Courts Reform (Scotland) Act 2014 (which provide for the convening of a Tribunal to consider fitness for office, suspension and removal of judicial office holders) apply to a member of the Court, other than the Chair, as they apply to the holder of a judicial office listed in section 21(3)(a) to (c) of that Act.

(2) For the purpose of the application of section 21(4)(b) of the Courts Reform (Scotland) Act 2014, "the relevant judicial office" for an investigation into whether an individual is fit to hold the office of member of the Court, is that office.

PART 2

JURISDICTION OF THE COURT

General

15 (1) The competence and jurisdiction of the Court comprises—

(a) the matters and appeals described or referred to in this Part, and

(b) any other matter or appeal conferred upon it by an enactment (whenever passed or made).

(2) The Scottish Ministers may by regulations—

(a) specify or describe matters in respect of which paragraph 10(2) is not to apply,

(b) modify this Part of the schedule to adjust what is (or is not) within the competence and jurisdiction of the Court,

(c) modify paragraph 31 in respect of the method by which any proceedings before the Court relating to such matters as are specified in the regulations are to be stated or appealed to the Court of Session.

(3) Before making regulations under this paragraph, the Scottish Ministers must consult—

(a) the Lord President of the Court of Session, and

(b) the Chair.

(4) Regulations under this paragraph—

(a) may (without limit to section 64 or 65) modify any enactment in consequence of a change made to the competence and jurisdiction of the Court or right of appeal (by whatever means) from the Court,

(b) are subject to the affirmative procedure.

Access rights

16 All matters, whether of fact or law, arising under the following sections of the Land Reform (Scotland) Act 2003—

(a) section 14 (prohibition signs, obstructions, dangerous impediments etc.),

(b) section 28 (judicial determination of existence and extent of access rights and rights of way).

Agriculture and agricultural holdings

17 The jurisdiction set out in section 60 of the Agricultural Holdings (Scotland) Act 1991.

Arbitration and compensation

18 (1) Any question which is by any Act (including a local or private Act) directed, in whatever terms, to be determined by a person or one or more persons selected from either of the following panels—

(a) the panel of official arbitrators appointed under the Acquisition of Land (Assessment of Compensation) Act 1919, and

(b) the panel of referees appointed under Part I of the Finance (1909-10) Act 1910,

or which is so directed to be determined in the absence of agreement to the contrary.

(2) Any other question of disputed compensation under the Lands Clauses Acts, where the claim is for the injurious affection of any land.

(3) Any question arising as to the apportionment mentioned in section 116 of the Lands Clauses Consolidation Act 1845 or section 109 of the Lands Clauses Consolidation (Scotland) Act 1845, of any rent charge or other matter to which that section applies.

(4) Any question on which, but for this provision, an appeal or reference to the county court would or might be made by virtue of section 62 or 87 of the Local Government Act 1948.

19 The Court may exercise any other jurisdiction conferred by any Act (including a local or private Act), or instrument made under any such Act, on a person or one or more persons selected as mentioned in paragraph 18(1)(a).

20 The Court may act as arbitrator under a reference by consent, and any agreement entered into before the commencement of the 1949 Act which provides for referring any matter to arbitration by a person or one or more persons is to, subject to any subsequent agreement, have effect as if it provided for referring the matter to arbitration by the Court.

Community rights to buy: appeals

21 Appeals made under the following sections of the Land Reform (Scotland) Act 2003—

(a) section 60A(4) (liability of owner of land for valuation expenses),

(b) section 61 (community right to buy: appeals),

(c) section 91 (crofting right to buy: appeals),

(d) section 97V (community right to buy abandoned, neglected or detrimental land: appeals).

22 Appeals made under section 69 (right to buy land for further sustainable development: appeals) of the Land Reform (Scotland) Act 2016.

Crofting and crofting community right to buy

23 (1) All matters, whether of fact or law, which arise under the Crofters (Scotland) Act 1993.

(2) Except to the extent otherwise provided in Part 3 of the Land Reform (Scotland) Act 2003 (crofting community right to buy), all matters, whether of fact or law, and appeals, which arise under that Part.

March Dykes, runrig and commonties

24 All matters, whether of fact or law, which arise under—

(a) the March Dykes Act 1661,

(b) the March Dykes Act 1669,

(c) Runrig Lands Act 1695,

(d) Division of Commonties Act 1695,

and that notwithstanding any provision in those Acts to the contrary.

Small landholdings

25 All matters, whether of fact or law, which arise under the Small Landholders (Scotland) Acts 1886 to 1931 or schedule 2 of the Land Reform (Scotland) Act 2025 (small landholdings).

Succession to certain leases

26 Applications under section 16 (provisions relating to leases) of the Succession (Scotland) Act 1964.

PART 3

RULES, PROCEDURE, EXPENSES AND POWERS

Rules of court

27 (1) The Court of Session may by act of sederunt make provision for or about—

(a) the procedure and practice to be followed in proceedings in the Court,

(b) any matter incidental or ancillary to such proceedings.

(2) An act of sederunt under sub-paragraph (1) may make—

(a) incidental, supplemental, consequential, transitional, transitory or saving provision,

(b) provision amending, repealing or revoking any enactment (including any provision of this Act) relating to matters with respect to which an act of sederunt under sub-paragraph (1) may be made,

(c) different provision for different purposes.

(3) Before making an act of sederunt under sub-paragraph (1) with respect to any matter, the Court of Session must—

(a) consult the Chair,

(b) consult the Scottish Civil Justice Council, and

(c) take into consideration any views expressed by the Council with respect to that matter.

(4) Paragraphs (a) and (b) of sub-paragraph (3) do not apply in relation to an act of sederunt that embodies, with or without modifications, draft rules submitted by the Scottish Civil Justice Council to the Court of Session.

(5) This paragraph is without prejudice to—

(a) any enactment that enables the Court of Session to make rules (by act of sederunt or otherwise) regulating the practice and procedure to be followed in proceedings to which this paragraph applies, or

(b) the inherent powers of the Court.

Procedure

28 The Chair may—

(a) select a member or members to deal with a particular case, type of case (whether by subject matter or otherwise) or group of cases, or

(b) allocate members to a pool from which a member or members to deal with a particular case is to be selected (for example by reference to the subject matter of types of case), either by the Chair or a member designated by the Chair for that purpose.

29 Where a person is or may be liable for any compensation falling to be determined under section 57 or 97 of the Land Clauses Consolidation (Scotland) Act 1845 (which sections relate to the procedure in default of a claimant), the surveyor referred to in those sections is to be selected from members of the Court in accordance with the provisions of this schedule.

Powers

30 (1) The Court may—

(a) ascertain the facts in any case—

(i) by hearing parties and examining witnesses,

(ii) by means of affidavits, or

(iii) by such other mode of inquiry as it deems appropriate, and

(b) determine cases without an oral hearing.

(2) The Court may require the production of any document or information relating to a case and it may summon and examine on oath such witnesses as it thinks fit to call or allow to appear before it.

(3) The Court may, when sitting in open court, report in writing to the Lord Ordinary any person who has been guilty of contempt of court.

(4) Where a report has been made to a Lord Ordinary under sub-paragraph (3), the Lord Ordinary may punish such person as if the contempt had been committed in the Lord Ordinary's court.

(5) The Chair, when sitting in open court, has the same power as a Lord Ordinary to punish for contempt of court.

(6) Despite sub-paragraph (1)(b), the Court may not determine without an oral hearing a disputed claim for compensation which—

(a) is payable in respect of a compulsory acquisition of land, or

(b) depends directly or indirectly on the value of any land,

without the consent of the person making the claim.

Finality of decisions and special cases

31 (1) Subject to sub-paragraph (2), the decision of the Court in respect of a matter described in paragraphs 23 or 25 is final.

(2) Except as provided in sub-paragraph (3), the Court may, if it thinks fit, and must, on the request of a party, state a special case on any question of law arising in any proceedings before it under any enactment for the opinion of the Inner House of the Court of Session, which may finally determine that question.

(3) Sub-paragraph (2) does not apply in respect of proceedings in connection with any matter which may be determined by the Court by virtue of—

(a) the Agricultural Holdings (Scotland) Act 1991,

(b) the Agricultural Holdings (Scotland) Act 2003,

(c) section 116 of the Land Reform (Scotland) Act 2016, or

(d) the transfer of the jurisdiction and functions of the Lands Tribunal for Scotland under section 57(1).

Expenses

32 The Court may determine the amount of the expenses in any proceedings before it and the proportion to be borne by the different parties.

Enforcement

33 An order or determination of the Court may be enforced as if it were a decree of the sheriff having jurisdiction in the area in which the order or determination is to be enforced.

Accounts

34 The Court is to submit such estimates and keep such accounts of its receipts and expenditure, and its accounts are to be audited in accordance with such regulations, as the Treasury may direct.

PART 4

INTERPRETATION

Interpretation

35 In this schedule—

"Chair" means the Chair of the Court appointed under paragraph 2(2),

"Court" means the Scottish Land Court,

"the SCTS" means the Scottish Courts and Tribunals Service,

"solicitor" means a person enrolled as a solicitor in the roll of solicitors kept under section 7 of the Solicitors (Scotland) Act 1980,

"Upper Tribunal for Scotland" means the Upper Tribunal for Scotland, established by section 1 of the Tribunals (Scotland) Act 2014.

SCHEDULE 2
introduced by section 63

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

CROFTING REFORM

Crofters (Scotland) Act 1993

1 (1) The Crofters (Scotland) Act 1993 is modified as follows.

(2) In section 2 (particular powers and duties of the Commission), subsection (3) is repealed.

(3) In section 2C (duty to produce plan), in subsection (2), in the opening words for "6" substitute "12".

(4) In section 3A(8) (new crofts), in paragraph (b), leave out "the crofting community in the locality of the land" and insert "any crofting community which, in the opinion of the Commission, may be affected by, or have an interest in, the application".

(5) In section 5A (complaint as respects breach of the statutory conditions), in subsection (1), for "in the locality of the croft" substitute "of the township within which the croft is situated".

(6) In section 5C(6) (crofters: duty to cultivate and maintain), in paragraph (a), for "in the locality of the land" substitute "of the township within which the land is situated (other than the applicant)".

(7) In section 10 (bequest of croft)—

(a) in subsection (1)(b)(ii), for "all the bequests" substitute "the bequest",

(b) in subsection (4C), after "bequest" insert "of the tenancy of a croft as mentioned in subsection (1)(b)".

(8) In section 17 (provision supplementary to sections 13 and 15), in subsection (6), for "wife or husband" substitute "spouse or civil partner".

(9) In section 19A (schemes for development)—

(a) in subsection (2)(d)—

(i) in paragraph (i), for "that community" substitute "the crofting community in the area affected by the development",

(ii) in paragraph (ii), for "community" substitute "crofting community",

(b) in subsection (3)(b), for "community" where it second occurs substitute "crofting community",

(c) in subsection (11)—

(i) paragraph (c) is repealed,

(ii) in paragraph (d), for "to (c)" substitute "and (b)".

(10) In section 20 (resumption of croft or part of croft by landlord)—

(a) in subsection (1), for "in the locality of the croft" substitute "of the township within which the croft is situated",

(b) in subsection (1AA)(b), for "in the locality of the croft" substitute "of the township within which the croft is situated",

(c) in subsection (1AC)(a)—

(i) in sub-paragraph (i), for the words from "locality" to the end of the sub-paragraph substitute "parish within which the croft is situated,",

(ii) in sub-paragraph (ii), for the words from "community" to the end of the sub-paragraph substitute "communities in that parish,",

(iii) in sub-paragraph (iii), for "locality or such an area;" substitute "parish,",

(iv) in sub-paragraph (iv), for "locality or such an area;" substitute "parish,".

(11) In section 25 (provisions supplementary to s.24(3))—

(a) in subsection (1)(a), for "in the locality of the croft" substitute "of the township within which the croft is situated,",

(b) in subsection (1A)(b), "in the locality of the croft" substitute "of the township within which the croft is situated",

(c) in subsection (1B)(a)—

(i) in subsection paragraph (i), for the words from "locality" to the end of the sub-paragraph substitute "parish within which the croft is situated,",

(ii) in sub-paragraph (ii), for the words from "community" to the end of the sub-paragraph substitute "communities in that parish,",

(iii) in sub-paragraph (iii), for "locality or such an area;" substitute "parish,",

(iv) in sub-paragraph (iv), for "locality or such an area;" substitute "parish,",

(d) in subsection (8)—

(i) in paragraph (a)(i), for "in the locality of the land" substitute "of the township within which the land is situated",

(ii) in paragraph (b), for "in the locality of the land," substitute "of the township within which the land is situated,".

(12) In section 26G (division of croft before taking action), in subsection (2)(c), for "in the locality of the croft or owner-occupied croft" substitute "of the township within which the croft or owner-occupied croft is situated".

(13) In section 26H (crofters: tenancy termination procedure), in subsection (1), for "in the locality of the croft" substitute "of the township within which the croft is situated".

(14) Section 27 (provisions as to right to sublet) is modified as follows—

(a) in subsection (1), the words ", for a period not exceeding 10 years," are repealed,

(b) after subsection (2), insert—

"(2C) A sublease of a croft must not be for a period exceeding 10 years.".

(15) In section 29 (miscellaneous provisions regarding subleases of crofts)—

(a) in subsection (2)—

(i) the "or" immediately following paragraph (b) is repealed,

(ii) paragraph (c) is repealed,

(iii) paragraph (d) is repealed,

(b) in subsection (4), for "sections 27 and 28" substitute "section 27".

(16) In section 30 (compensation to crofter for improvements)—

(a) in subsection (6A), in paragraph (a), for "purposeful use as is mentioned in section 5C(2)(a)(ii) of this Act" substitute "use as is mentioned in section 5C(2)(a)(ii) or (iii)",

(b) in subsection (6B)—

(i) the "or" immediately following paragraph (a) is repealed,

(ii) after paragraph (a), insert—

"(aa) before the crofter puts their croft to any use as is mentioned in section 5C(2)(a)(ii), the landlord gives written intimation to the crofter that, as respects that use, subsection (6A) should not apply,

(ab) before the Commission make a determination under section 50ZA(4A), the owner gives written intimation to the Commission or the proposer that, as respects the use applied for under section 50(2), subsection (6A) should not apply, or",

(iii) in paragraph (b), for "approve under section 50B(11) of this Act" substitute "grant the approval applied for under section 50B(6) for".

(17) In section 36 (compensation to cottar for improvements)—

(a) in subsection (1)(b), for "wife or husband" in both places it appears substitute "spouse or civil partner",

(b) in subsection (5), for "wife or husband" in both places it appears substitute "spouse or civil partner".

(18) In section 41 (Register of Crofts)—

(a) in subsection (2), in paragraph (cc)—

(i) in the opening words, after "tenant" insert "or, as the case may be, the owner-occupier crofter",

(ii) for sub-paragraph (iii), substitute—

"(iii) any use of the grazing—

(A) as woodlands by virtue of section 50ZA(7), or of woodlands as part of the grazing by virtue of section 50A,

(B) for an environmental purpose by virtue of section 50ZA(7), or an environmental purpose for as part of the grazing by virtue of section 50AA,",

(iii) in sub-paragraph (iv), for "use as woodlands" substitute "a use mentioned in sub-paragraph (iii)",

(b) in subsection (2), in the closing words, for "landlord and the tenant" substitute "tenant and the landlord or, as the case may be, the owner-occupier crofter,".

(19) In section 48 (powers and duties of grazings committees)—

(a) in subsection (1)(a), for "approved under section 50B(11) of this Act" substitute "which has obtained the approval applied for under section 50B(6)",

(b) in subsection (4A)—

(i) for "referred to in subsection (6) of section 50B of this Act" substitute "applied for under section 50B(6)",

(ii) for "subsection (11) of that section" substitute "section 58A",

(c) in subsection (6A), for "approved under section 50B(11)" substitute "which has obtained the approval applied for under section 50B(6)".

(20) In section 49(2)(a) (common grazings regulations), for "approved under section 50B(11) of this Act" substitute "which has obtained the approval applied for under section 50B(6)".

(21) In section 51A (new common grazing)—

(a) in subsection (4)(b), for "the crofting community in the locality of the land" substitute "any crofting community which, in the opinion of the Commission, may be affected by, or have an interest in, the application",

(b) in subsection (5)—

(i) after paragraph (a) insert "and",

(ii) the "and" immediately following paragraph (b) is repealed,

(iii) paragraph (c) is repealed,

(c) in subsection (7), for paragraph (d) substitute—

"(d) an environmental purpose,

(e) a purpose other than is mentioned in paragraphs (a) to (d).".

(22) In section 52 (miscellaneous provisions as to common grazings, as to lands held runrig, and as to use by crofters of peat bogs, etc.)—

(a) in subsection (3), for "apportion a common grazing shared by two or more townships into separate parts for the exclusive use of the several townships or may apportion" substitute "decide to apportion a common grazing shared by two or more townships into separate parts for the exclusive use of the several townships or may decide to apportion",

(b) in subsection (3A)(a)—

(i) for "apportionment of" substitute "decision to apportion",

(ii) for "common grazing was so apportioned" substitute "decision was made",

(c) for subsection (4), substitute—

"(4) The Commission may, on the application of any crofter of a registered croft who holds a right in a common grazing, and after consultation with the grazings committee, decide to apportion a part of the common grazing (including the site of the dwelling-house of the crofter so applying if situated on the common grazing), other than a part on which the grazings committee have, under section 48(4)—

(a) planted trees and which they are using as woodlands, for the exclusive use of the applicant, or

(b) used for an environmental purpose.",

(d) in subsection (5B)(a)—

(i) for "apportionment of", in the first place it occurs, substitute "decision to apportion",

(ii) for "part was so apportioned" substitute "decision was made",

(e) in subsection (5C)(a)—

(i) for "apportionment of" substitute "decision to apportion",

(ii) for "part was so apportioned" substitute "decision was made",

(f) in subsection (8), before "apportion" insert "decide to",

(g) in subsection (8A), for "an apportionment" (in both places it occurs substitute "a decision to apportion",

(h) in subsection (11)—

(i) for "extend" substitute "decide to extend",

(ii) for the words from "the township" to the end substitute "(as the case may be)—

(a) any person who appears to the Commission to represent the interests of the township which has exclusive use, or

(b) the crofter who has exclusive use.",

(i) in subsection (11A)(a)—

(i) for "extension under subsection (11) of" substitute "decision under subsection (11) to extend",

(ii) for "period was so extended" substitute "decision was made",

(j) in subsection (12)—

(i) after "Commission may," insert "of their own accord or",

(ii) for "that township or" substitute "any person who appears to the Commission to represent that township or the",

(iii) after paragraph (a), insert—

"(aa) review an apportionment made in pursuance of section 27(3) and (4) of the Crofters (Scotland) Act 1955,",

(iv) in paragraph (b)(iii), for "an apportionment made as mentioned in paragraph (a) above to an end" substitute "to an end (in whole or in part) an apportionment made as mentioned in paragraph (a) or (aa)",

(k) after subsection (15), insert—

"(16) Where the Commission make any determination under subsection (12)(b) of their own accord, section 52A applies as if that determination were a decision of the Commission on an application to them under this Act.".

(23) In section 58A (obtaining Commission approval or consent)—

(a) in subsection (4)(b), for "in the locality of that land" substitute "of the township within which that land is situated",

(b) for subsection (7)(a)(ii), substitute—

"(ii) whether the croft is being or will be—

(A) cultivated,

(B) put to any environmental use (within the meaning of section 5C(8A)), or

(C) put to another purposeful use,",

(c) in subsection (7)(c), for "in the locality of that land" substitute "of the township within which that land is situated".

(24) In schedule 1 (the Crofting Commission)—

(a) in paragraph 9(1)(d), for "convener" substitute "chair of the Commission",

(b) in paragraph 10(1), for "convener" substitute "chair",

(c) in paragraph 16(3)(a), for "provide information to crofting communities" substitute "publish information".

(25) In schedule 2 (the statutory conditions), in paragraph 5(c), after "put to" insert "any environmental use (within the meaning of section 5C(8A) or to".

Crofting Reform (Scotland) Act 2010

2 (1) The Crofting Reform (Scotland) Act 2010 is modified as follows.

(2) In section 5 (registration of events affecting registered crofts), in subsection (3)—

(a) after paragraph (f) insert—

"(fa) the determination that an individual is an owner-occupier crofter under section 19BA(1) of the 1993 Act,",

(b) for paragraph (q) substitute—

"(q) the bringing to an end under section 52(12)(b)(iii) of that Act (in whole or in part) of—

(i) an apportionment of a part of a common grazing to the crofter of the croft under subsection (4) of that section, or

(ii) an apportionment made in pursuance of section 27(4) of the Crofters (Scotland) Act 1955.".

(3) In section 25(2) (registration of events affecting registered common grazings)—

(a) for paragraph (i) substitute—

"(i) the bringing to an end under section 52(12)(b)(iii) of that Act (in whole or in part) of—

(i) an apportionment of a part of a common grazing to the crofter of the croft under subsection (3) or (4) of that section, or

(ii) an apportionment made in pursuance of section 27(3) and (4) of the Crofters (Scotland) Act 1955.",

(b) in paragraph (j), for "that Act" substitute "the 1993 Act".

(4) In schedule 2 (persons responsible for applications for registration), in Table 2 (registration of registered crofts), after the entry for the step relating to the transfer of a crofter's interest in a lease of a croft as mentioned in section 5(3)(f), insert—

"The determination that an individual is an owner-occupier croft as mentioned in section 5(3)(fa)	The owner-occupier crofter who applied for the determination".

PART 2

SCOTTISH LAND COURT

Lands Tribunal Act 1949

3 (1) The Lands Tribunal Act 1949 is modified as follows.

(2) In section 1 (establishment of the Lands Tribunal for Scotland, jurisdiction and appeals to the Scottish Tribunals)—

(a) in subsection (3), in the opening words, the words "or the Lands Tribunal for Scotland" are repealed,

(b) in subsection (4), the words "or the Lands Tribunal for Scotland" are repealed,

(c) in subsection (5), the words "or the Lands Tribunal for Scotland" are repealed.

(3) Section 3 is repealed.

(4) In section 4 (power to add to jurisdiction of Upper Tribunal or Lands Tribunal for Scotland)—

(a) in subsection (1), the words "or the Lands Tribunal for Scotland" are repealed,

(b) in subsection (4), paragraph (b) is repealed,

(c) subsection (5) is repealed.

(5) The title to section 4 becomes "**Power to add to jurisdiction of Upper Tribunal**".

Succession (Scotland) Act 1964

4 (1) The Succession (Scotland) Act 1964 is modified as follows.

(2) In section 16 (provisions relating to leases)—

(a) in subsection (3)(b), for "relevant court" substitute "Scottish Land Court",

(b) subsection (8A) is repealed.

Scottish Land Court Act 1993

5 The Scottish Land Court Act 1993 is repealed.

Land Reform (Scotland) Act 2003

6 (1) The Land Reform (Scotland) Act 2003 is modified as follows.

(2) In section 14 (prohibition signs, obstructions, dangerous impediments etc.)—

(a) in subsection (4), for "summary application made to the sheriff, appeal" substitute "appeal to the Land Court",

(b) in subsection (5)—

(i) in paragraph (a), for "summary applications" substitute "appeals",

(ii) in paragraph (b), for "a summary application" substitute "an appeal".

(3) In section 28 (judicial determination of existence and extent of access rights and rights of way)—

(a) in subsection (1), in the opening words, for ", on summary application made to the sheriff, for the sheriff " substitute "for the Land Court, on an application made to it",

(b) in subsection (2), for ", on summary application made to the sheriff, for the sheriff" substitute "for the Land Court, on an application made to it",

(c) in subsection (3), for "summary application to the sheriff" substitute "an application to the Land Court",

(d) in subsection (4), for "A summary" substitute "An",

(e) in subsection (8)—

(i) in paragraph (a), for "a summary" substitute "an",

(ii) in paragraph (b), "summary" is repealed.

(4) In section 60A(4) (liability of owner of land for valuation expenses), for "sheriff" substitute "Land Court".

(5) In section 61 (community right to buy: appeals)—

(a) in subsection (1), for ", by summary application, appeal to the sheriff", substitute "appeal to the Land Court",

(b) in subsection (2), for ", by summary application, appeal to the sheriff", substitute "appeal to the Land Court",

(c) in subsection (3), for ", by summary application, appeal to the sheriff", substitute "appeal to the Land Court",

(d) in subsection (3A), for "sheriff" substitute "Land Court",

(e) subsection (5) is repealed,

(f) in subsection (7), for "sheriff" substitute "Land Court".

(6) In section 91 (crofting right to buy: appeals)—

(a) in subsection (1), for ", by summary application, appeal to the sheriff" substitute "appeal to the Land Court",

(b) in subsection (3), for ", by summary application, appeal to the sheriff" substitute "appeal to the Land Court",

(c) subsection (6) is repealed,

(d) in subsection (7), for "sheriff shall" substitute "Land Court must".

(7) Section 97 (Scottish Land Court) is repealed.

(8) In section 97V (community right to buy abandoned, neglected or detrimental land: appeals)—

(a) in subsection (1), for "sheriff" substitute "Land Court",

(b) in subsection (2), for "sheriff" substitute "Land Court",

(c) in subsection (4), for "sheriff" substitute "Land Court",

(d) subsection (7) is repealed,

(e) in subsection (9), for "sheriff" substitute "Land Court".

Judiciary and Courts (Scotland) Act 2008

7 (1) The Judiciary and Courts (Scotland) Act 2008 is modified as follows.

(2) In section 10 (judicial offices within the Board's remit), in subsection (1), for paragraph (b) substitute—

"(b) the offices of Chair and member of the Scottish Land Court,".

(3) In schedule 1 (the Judicial Appointments Board for Scotland), after paragraph 16A, insert—

"Proceedings relating to the Scottish Land Court

16B(1) Sub-paragraph (2) applies where the Board is exercising any function under this Act in connection with a position mentioned in section 10(1)(b).

(2) At least one member of the Scottish Land Court ("the Land Court") is to take part in any proceedings relating to the function.

(3) It is for the Chair of the Land Court to select a member of the Land Court to take part as mentioned in sub-paragraph (2) (which member may be the Chair).

(4) Before making a selection under sub-paragraph (3), the Chair of the Land Court must consult the Chairing Member.

(5) The person selected is to be treated as if a member of the Board for the purposes of—

(a) sections 11 to 15 and 17, and

(b) paragraphs 5, 12 and 13 of this schedule.

(6) Sub-paragraph (7) applies if—

(a) the Board is exercising any function under this Act in connection with a position mentioned in section 10(1)(b),

(b) the Board authorises a person appointed under paragraph 13A(1) to assist it in relation to any proceedings relating to the function, and

(c) the person authorised to assist the Board in relation to the proceedings is a member of the Land Court.

(7) The member of the Land Court selected under sub-paragraph (3) may elect not to take part in the proceedings in respect of which the member is also the person authorised to assist.

(8) The Board may not make a determination under paragraph 15 which is inconsistent with this paragraph.

(9) In this paragraph, "Chair of the Land Court" and references to a member of the Land Court are to be construed in accordance with paragraph 2 of schedule 1 of the Crofting and Scottish Land Court Act 2026.".

Scottish Civil Justice Council and Criminal Legal Assistance Act 2013

8 (1) The Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 is modified as follows.

(2) In section 2 (functions of the Council)—

(a) in subsection (1)(b), after "Session" insert ", the Scottish Land Court",

(b) in subsection (6)—

(i) the "and" immediately after paragraph (aa) is repealed,

(ii) after paragraph (b), insert ", and

(c) the Scottish Land Court.".

Tribunals (Scotland) Act 2014

9 (1) The Tribunals (Scotland) Act 2014 is modified as follows.

(2) In section 17 (sheriffs and judges)—

(a) in subsection (2)—

(i) in paragraph (b), for "Chairman" substitute "Chair",

(ii) the "or" after paragraph (b) is repealed,

(iii) after paragraph (c) insert—

"(d) a suitably qualified member of the Scottish Land Court (as determined under paragraph 13 of schedule 1 of the Crofting and Scottish Land Court Act 2026), or

(e) a suitably qualified member of the Lands Tribunal for Scotland (as determined under section 2(2B) of the Lands Tribunal Act 1949).",

(b) in subsection (4), for "or the Chairman" substitute ", the Chair or other member",

(c) in subsection (6), after paragraph (b) insert—

"(c) in the case of a member of the Scottish Land Court (apart from the Chair of that Court), also requires the concurrence of the Chair of that Court,

(d) in the case of a member of the Lands Tribunal for Scotland, also requires the concurrence of the President of that Tribunal.".

(3) The title of section 17 becomes "**Sheriffs, judges and other holders of judicial office**".

(4) In schedule 1 (listed tribunals)—

(a) in Part 1, paragraph 6 is repealed,

(b) in Part 2, sub-paragraph (6) of paragraph 13 is repealed.

(5) In schedule 2 (transfer-in of members), in paragraph 1(3), sub-paragraph (b) and the "or" immediately preceding it are repealed.

Land Reform (Scotland) Act 2016

10 (1) The Land Reform (Scotland) Act 2016 is modified as follows.

(2) In section 69 (appeals to sheriff)—

(a) in subsection (1), for "sheriff" substitute "Scottish Land Court",

(b) in subsection (2), for "sheriff" substitute "Scottish Land Court",

(c) in subsection (3), for "sheriff" substitute "Scottish Land Court",

(d) in subsection (5), for "sheriff" substitute "Scottish Land Court",

(e) in subsection (6), for "sheriff" substitute "Scottish Land Court",

(f) subsection (8) is repealed,

(g) in subsection (10), for "sheriff" substitute "Scottish Land Court".

(3) The section title of section 69 becomes "**Appeals to the Scottish Land Court**".

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