



Crofting (Amendment) (Scotland) Bill

Bill Number:	SP Bill 31
Introduced on:	9 May 2013
Introduced by:	Richard Lochhead (Government Bill)
Passed:	25 June 2013
Royal Assent:	31 July 2013

Passage of the Bill

The [Crofting \(Amendment\) \(Scotland\) Bill](#) [SP Bill 31] was introduced in the Parliament on 9 May 2013. Stage 1 commenced on 15 May 2013 with the [Rural Affairs, Climate Change and Environment Committee](#) taking oral evidence. The Stage 1 (general principles) debate took place on 6 June 2013 and the Bill was passed following the Stage 3 parliamentary debate on 25 June 2013.

Purpose and objectives of the Bill

According to the [Policy Memorandum](#), the policy objective of the Bill was to address a problem which had arisen in the Crofting (Scotland) Act 2010 (asp 14). Since 1976, crofters have been able to buy their crofts, but crofting law still defined crofters as the tenant of a croft. The 2010 Act amended the Crofters (Scotland) Act 1993 (c.44) to create a new category of “owner-occupier crofter”. It became apparent that an unintended effect of the amendments made by the 2010 Act was to prevent an owner-occupier crofter from applying to the Crofting Commission to decroft land unless the land was vacant. If the Commission agrees to an application it can issue a decrofting direction which means that the land in question is no longer under crofting tenure. The purpose of the Bill was therefore to ensure that owner-occupier crofters were in the position they were meant to be in, namely that they could apply to the Crofting Commission for a decrofting direction for land they occupied.

Provisions of the Bill

The Bill amends the Crofters (Scotland) Act 1993 (c. 44) (“the 1993 Act”) to:

- allow owner-occupier crofters to apply to the Crofting Commission to decroft the whole or part of their crofts, whether the croft is vacant or not;
- allow the Crofting Commission to give decrofting directions on such applications
- allow the Crofting Commission not to consider a decrofting application if they have issued a direction to an owner-occupier crofter requiring them to submit proposals for letting the croft (where the Commission have determined that the owner-occupier crofter had breached one or more of their duties)
- enable the new legislation to be applied respectively to address issues arising from 1 October 2011 when the owner-occupier crofter status was introduced

Parliamentary consideration

Stage 1: Stage 1 scrutiny of the Bill was undertaken by the Rural Affairs, Climate Change and Environment (RACCE) Committee. The Scottish Government sought the cooperation of the Scottish Parliament in expediting the passage of the Bill through the legislative process by agreeing to a shorter than usual period for its Stage 1 scrutiny. In its [Stage 1 report](#) the Committee agreed that the legislation needed to be corrected and therefore welcomed the fact that the Scottish Government’s had swiftly brought forward amending legislation once it became aware of the legal issue. However, the Committee also noted the significant number of other outstanding issues relating to crofting many believe require to be addressed by the Scottish Government following the conclusion of consideration of this Bill. The Committee was struck by the evidence it received from experts in crofting law, which demonstrated significant frustration and concern with the increasing complexity and layers of crofting law.

Stage 2: Stage 2 was taken by the Rural Affairs, Climate Change and Environment Committee on 12 June 2013. No amendments were lodged at Stage 2.

Stage 3: The stage 3 debate took place on 25 June 2013. No amendments were lodged and the Parliament agreed that the Crofting (Amendment) (Scotland) Bill be passed.