

2012 No. 297

**CROFTERS, COTTARS AND SMALL LANDHOLDERS
REGISTERS AND RECORDS**

**The Crofting Register (Transfer of Ownership) (Scotland)
Regulations 2012**

<i>Made</i>	- - - -	<i>30th October 2012</i>
<i>Laid before the Scottish Parliament</i>		<i>1st November 2012</i>
<i>Coming into force</i>	- -	<i>30th November 2012</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 4(8), 5(6), 25(4) and 53(2)(a) of the Crofting Reform (Scotland) Act 2010^(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Crofting Register (Transfer of Ownership) (Scotland) Regulations 2012 and come into force on 30th November 2012.

(2) In these Regulations, “the 2010 Act” means the Crofting Reform (Scotland) Act 2010.

Transfer of ownership of owner-occupied croft

2. For the purposes of sections 4(1)(b) and 5(1)(a) of the 2010 Act, the ownership of an owner-occupied croft is to be treated as transferred—

- (a) on the registration in the Land Register of Scotland of the transfer of—
 - (i) an interest; or
 - (ii) a registered interest,in the land on which the croft is situated;
- (b) on the recording in the Register of Sasines of the deed transferring the land on which the croft is situated; or
- (c) where, by virtue of an enactment or rule of law, ownership of the land on which the croft is situated passes—
 - (i) without registration in the Land Register of Scotland; or
 - (ii) without recording in the Register of Sasines,on such passing of ownership.

Transfer of ownership of land on which croft or common grazing is situated

3. For the purposes of sections 5(1)(b)(i) and 25(1)(a) of the 2010 Act, transfer of the ownership of any land on which a croft or common grazing is situated is to be treated as transferred—

- (a) on the registration in the Land Register of Scotland of the transfer of—
 - (i) an interest; or
 - (ii) a registered interest,in the land on which the croft or common grazing is situated;
- (b) on the recording of the deed in the Register of Sasines transferring the land on which the croft or common grazing is situated; or
- (c) where, by virtue of an enactment or rule of law, ownership of the land on which the croft or common grazing is situated passes—
 - (i) without registration in the Land Register of Scotland; or
 - (ii) without recording in the Register of Sasines,on such passing of ownership.

PAUL WHEELHOUSE

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
30th October 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

A number of provisions of the Crofting Reform (Scotland) Act 2010 require registration of a crofting interest in the event that there is a transfer of its ownership or a transfer of the ownership of the land on which it is situated. Sections 4(8), 5(6) and 25(4) of the Act confer on the Scottish Ministers powers to make regulations as to when ownership is to be treated as transferred for those purposes. These Regulations exercise those powers.

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SCOTTISH STATUTORY INSTRUMENTS

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