

RESPONDEE INFORMATION FORM

Consultation on Draft Crofting Reform (Scotland) Bill

Respondee Information Form

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

Name: _____

Organisation: _____

Postal Address: _____

Consultation Title: Draft Crofting Reform (Scotland) Bill

1. Are you responding as: (please tick one box)

(a) an individual (go to 2a/b)

(b) **on behalf of** a group or organisation (go to 2c)

2a. **Individuals:**

Do you agree to your response being made available to the public (in SE library and/or on SE website)?

Yes (go to 2b)

No, not at all

2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes):

Yes, make my response, name and address all available

Yes, make my response available, but not my name and address

Yes, make my response and name available, but not my address

2c. **On behalf of groups or organisations:**

Your name and address as respondees **will be** made available to the public (in the SE library and/or on SE website). Are you content for your response to be made available also?

Yes

No

3. We will share your response internally with other SE policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

Yes

No

Draft Crofting Reform (Scotland) Bill

Please fill in the form below to record your views. Other views (in addition to the questions) would also be welcome. Please continue on a separate sheet if necessary. Copies of the completed form should be sent to Dorothy Parr at the above address.

Q1 Do you agree that it is appropriate to provide as at section 22 of the draft Bill that in the absence of clear documentary evidence to the contrary a croft boundary which after 20 years has become the accepted boundary should be the legal croft boundary?

Yes **No**

Comment

Q2 Are you content with the provision at section 7 of the draft Bill which would extend the information held in the Register of Crofts?

Yes **No**

Comment

Q3 Do you foresee any difficulties inherent in allowing a crofter, subject to the consent of the Land Court, to enter into an agreement which would be binding on successors to the croft tenancy?

Yes **No**

Comment

Q4 Do you have any concerns about the proposed provision to designate the generation of energy as a reasonable purpose?

Yes **No**

Comment

Q5 Do you agree that it is essential to make provision whereby in certain circumstances the crofter's share of development value derived from resumed land should be payable by instalments?

Yes **No**

Comment

Q6 Do you consider that the right to receive instalment payments made in connection with the resumption of croft land should be attached to the croft or do you wish the payments to be made, as provided in the draft Bill, to the person who was the croft tenant at the time the land was resumed?

Yes **No**

[Comment](#)

Q7 The Executive would appreciate comment on the Development Scheme concept, including views on the need for such a measure and in particular on how the proposals in section 32 might work in practice.

Yes **No**

[Comment](#)

Q8 You are invited to indicate whether you believe the provisions in paragraph 16 of Schedule 2 to the draft Bill meet the need for flexibility over long term management of apportionments.

Yes **No**

[Comment](#)

Q9 Views are invited on whether the legislation should provide that where land has been registered as, and treated as, croft land for 20 years or more its status as croft land should be indisputable.

Yes **No**

[Comment](#)

Q10 Do you agree that legislation should retain the principle that a croft tenancy must be held by a particular individual?

Yes **No**

[Comment](#)

Q11 Are the measures in the draft Bill which deal with misuse and neglect appropriate or should the rules of good husbandry be applied to crofts. In particular, are there cogent reasons why the rules of good husbandry should not apply to crofts as they do to tenanted farms?

Yes **No**

[Comment](#)

Q12 Do legal practitioners agree with our view that the consequences of a refusal of a bequest of a croft by a legatee is the same as if the Crofters Commission declare the bequest null and void and that in such circumstances the right to the croft becomes part of the intestate estate of the deceased crofter?

Yes **No**

[Comment](#)

Q13 Please provide details of any problems expected to arise in connection with croft management during a period of executory which it is believed that an executor does not have power to deal with?

Yes **No**

[Comment](#)

Q14 Do you agree that it is not appropriate or necessary to make legislative provision to empower grazings clerks?

Yes **No**

[Comment](#)

Q15 Do you agree that there should not be legislative provision to empower grazings committees to impose requirements on shareholders by majority decision?

Yes **No**

[Comment](#)

Q16 Is it necessary or desirable to legislate to allow a grazings committee to be the tenant of a croft?

Yes **No**

[Comment](#)

Q17 Would it be appropriate to provide in the draft Bill that a crofter should be able to apply to the Land Court to direct the landlord to provide a route for vehicular access to a croft where none exists?

Yes **No**

[Comment](#)

Q18 We would be grateful for information about ownership or management devices believed to have been put in place in order to frustrate attempts by a crofting community body to use the crofting community right to buy to acquire full control of relevant croft land. In particular information is required about how these mechanisms will operate.

[Comment](#)

Q19 We would be grateful for comment on any or all of the matters discussed in the Regulatory Impact Assessment including views on the appropriateness of cost estimates and views on any other matters arising from the draft Bill which may have cost implications for businesses.

[Comment](#)

[Other comments](#)

Note

This form is provided for the convenience of consultees. However, responses to the consultation will be accepted in any format and consultees are not required to use this form when commenting on the proposals set out in this consultation document.