



Crofting Reform (Scotland) Act 2010

2010 asp 14

PART 4

FURTHER AMENDMENTS OF THE 1993 ACT

Enlargement of crofts and common grazings

46 Enlargement of crofts

For section 4 of the 1993 Act (enlargement of crofts) substitute—

“4 Enlargement of crofts

- (1) This section applies where an owner of land—
 - (a) which is not a croft; and
 - (b) which does not form part of a croft,agrees to grant a tenancy of that land to a crofter.
- (2) The owner and the crofter may apply jointly to the Commission for a direction that the land is to form part of a croft of which the crofter is tenant.
- (3) Where a croft such as is mentioned in subsection (2) is an unregistered croft, the Commission—
 - (a) must not make a direction under subsection (4) unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application for the direction is made;
 - (b) need not, during that 6 month period, consider the application for the direction until an application for first registration of the croft is submitted.
- (4) The Commission may make a direction if they are satisfied that the enlargement of the croft—
 - (a) would be of benefit to the croft or to the crofter;
 - (b) would not result in the area of the enlarged croft substantially exceeding 30 hectares.

Status: This is the original version (as it was originally enacted).

- (5) Where the Commission make a direction in relation to an unregistered croft or a first registered croft, the land forms part of the croft with effect from the later of—
 - (a) the date of the direction; or
 - (b) the date of entry under the tenancy.
- (6) Where the Commission make a direction in relation to a registered croft (other than a first registered croft)—
 - (a) the direction expires at the end of the period of 3 months beginning with the date on which the direction is made unless an application for registration of the enlargement of the croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
 - (b) the enlargement takes effect on the date of registration.
- (7) For the purposes of section 6 and paragraph 1 of schedule 2, the rent payable for the enlarged croft is the rent agreed by the landlord and the crofter.
- (8) In subsections (5) and (6), “first registered croft” means a croft mentioned in section 5(2) of the 2010 Act.”.

47 Enlargement of common grazings

For section 51 of the 1993 Act (enlargement of common grazings) substitute—

“51 Enlargement of common grazings

- (1) This section applies where—
 - (a) an owner of land to which this Act does not apply agrees to grant rights in any pasture or grazing land to the crofters sharing in a common grazing; and
 - (b) the owner and the crofters agree that such land will form part of the common grazing.
- (2) The owner and the crofters may apply jointly to the Commission for a direction that the land is to form part of the common grazing.
- (3) The Commission may make a direction if they are satisfied that the enlargement of the common grazing would be of benefit to the common grazing or the crofters sharing in it.
- (4) Where the Commission make a direction in relation to an unregistered common grazing, the land forms part of the common grazing from the later of—
 - (a) the date of the direction; or
 - (b) the date on which the rights mentioned in subsection (1)(a) are first exercisable.
- (5) Where the Commission make a direction in relation to a registered common grazing—
 - (a) the direction expires at the end of the period of 3 months beginning with the date on which the direction is made unless an application for registration of the enlargement of the common grazing is submitted by virtue of section 25 of the 2010 Act before the expiry of that period;

Status: This is the original version (as it was originally enacted).

(b) the enlargement takes effect on the date of registration.”.