



Crofting Reform (Scotland) Act 2010

2010 asp 14

PART 3

DUTIES OF CROFTERS AND OWNER-OCCUPIER CROFTERS

Commission consent for absence from croft

35 Consent for absence from croft

After section 21A of the 1993 Act insert—

“Consent for absence from croft

21B Commission consent for absence from croft

- (1) A crofter or an owner-occupier crofter may apply to the Commission for consent to be ordinarily resident other than on, or within 32 kilometres of, the croft or, as the case may be, the owner-occupied croft.
- (2) Where an application under subsection (1) is made by a crofter, the crofter must send a copy of the application to the landlord of the croft.
- (3) The Commission may grant consent only if they consider that there is a good reason for the person not to be ordinarily resident on, or within 32 kilometres of, the croft or, as the case may be, the owner-occupied croft.
- (4) The Commission may grant consent subject to such conditions as they consider it appropriate to impose which may, in particular, relate to the duration of absence.
- (5) The Commission must make their decision on an application under subsection (1) before the expiry of the period of 28 days beginning with the date on which the application is made.
- (6) The Commission must notify—
 - (a) the applicant; and
 - (b) if the applicant is a crofter, the landlord of the croft,

*Changes to legislation: There are currently no known outstanding effects for the
Crofting Reform (Scotland) Act 2010, Section 35. (See end of Document for details)*

of their decision and the reasons for making it.

21C Extension of consent for absence

- (1) Where the Commission have granted consent under section 21B subject to a condition as to the duration of absence, the applicant may, before the expiry of the period for which consent has been granted, apply to the Commission to extend the duration of the consent.
- (2) Subsections (2) to (6) of section 21B apply to an application under subsection (1) of this section as they apply to an application under section 21B(1).

21D Variation of condition in consent for absence

- (1) Where the Commission have granted consent under section 21B subject to a condition (other than a condition as to the duration of absence), the applicant may, before the expiry of the period for which consent has been granted, apply to the Commission to vary the condition.
- (2) Subsections (2) to (6) of section 21B apply to an application under subsection (1) of this section as they apply to an application under section 21B(1).”.

Commencement Information

II [S. 35](#) in force at 1.10.2011 by [S.S.I. 2011/334](#), art. 3(1)(a)(2), [Sch. Pt. 1](#) (with [art. 4](#))

Changes to legislation:

There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, Section 35.