



Crofting (Amendment) (Scotland) Act 2013

2013 asp 10

1 Applications to decroft by owner-occupier crofters

- (1) The Crofters (Scotland) Act 1993 (c.44) (the “1993 Act”) is amended as follows.
- (2) After section 24 insert—

“24A Applications to decroft by owner-occupier crofters

- (1) An owner-occupier crofter may apply to the Commission for a decrofting direction.
- (2) In this section and in sections 24B to 24D, a “decrofting direction” is a direction that the owner-occupier's croft is to cease to be a croft.

24B Commission's powers in relation to applications under section 24A

- (1) The Commission may, on an application under section 24A(1), give a decrofting direction or refuse to grant the application.
- (2) But the Commission need not consider the application if—
 - (a) they have given the owner-occupier crofter a direction under section 26J(1) requiring the owner-occupier crofter to submit proposals for letting the owner-occupier's croft and the period within which such proposals must be submitted has not expired, or
 - (b) no such proposals having been submitted before the expiry of that period or, such proposals having been submitted, no such proposal having been approved, they are proceeding in accordance with subsections (7) and (8) of section 26J.
- (3) And, where the application relates to an unregistered croft, the Commission—
 - (a) may not give a decrofting direction 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,

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- (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.

24C Application of section 25 in relation to decrofting directions

- (1) Section 25 applies in relation to an application under section 24A(1) by an owner-occupier crofter for a decrofting direction, and to such a direction, as it applies in relation to an application under section 24(3) by a landlord of a vacant croft, and to a direction under section 24(3), subject to the modifications mentioned in subsections (2) to (4).
- (2) In subsection (1), for paragraph (b) substitute—
 - “(b) in a case where—
 - (i) the application is made in respect of a part of a croft, which consists only of the site of the dwelling-house on or pertaining to the croft, and
 - (ii) they have not previously given a direction under section 24B(1) to the applicant in relation to such a site on or pertaining to that croft,
 they are satisfied that the extent of garden ground included in that part is appropriate for the reasonable enjoyment of the dwelling-house as a residence;”.
- (3) In subsection (3), for the words from “land in respect” to the end substitute “direction under section 24B(1) is revoked”.
- (4) The following provisions of, or words in, section 25 do not apply—
 - (a) subsection (1)(c),
 - (b) in subsection (2), the words “or (c)”,
 - (c) subsection (4),
 - (d) subsections (4ZA) to (4ZD),
 - (e) subsection (4A),
 - (f) in subsection (6)—
 - (i) the words “or subsection (4)”,
 - (ii) the words “or only of land the conveyance in feu of which was granted under section 17 or 18 of the 1955 Act”,
 - (g) in subsection (7), the words “or subsection (4)”,
 - (h) subsection (8)(a)(ii).

24D Effect of decrofting direction

- (1) Where a decrofting direction is given in relation to a croft, this Act ceases to apply to the croft.
- (2) But subsection (1) does not affect the subsequent exercise of any powers conferred by this Act or any other enactment for the enlargement of existing crofts.
- (3) Where the croft to which the decrofting direction relates is a registered croft (other than a first registered croft)—

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- (a) the direction expires at the end of the period of 3 months beginning with the date on which the direction was given unless an application for registration of the giving of the direction is submitted by virtue of section 5 of the 2010 Act before the expiry of that period,
- (b) the direction takes effect on the date of registration.”.

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