



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

### *Succession to croft*

#### **10 Bequest of croft**

- (1) A crofter may, by will or other testamentary writing, bequeath the tenancy of his croft to any one person; but where the power conferred by this subsection is exercised in favour of a person not being a member of the crofter's family, the bequest shall be null and void unless the Commission, on application made to them by the legatee, otherwise determine.
- (2) A person to whom the tenancy of a croft is bequeathed as aforesaid (in this section referred to as "the legatee") shall, if he accepts the bequest, give notice of the bequest to the landlord within 2 months after the death of the crofter, unless he is prevented by some unavoidable cause from giving such notice within that time, and in that event he shall give such notice within a further period of 4 months. If no such notice is given in accordance with the provisions of this subsection the bequest shall become null and void.

The giving of such notice shall import acceptance of the bequest and, unless the landlord intimates objection to the Commission under subsection (3) below, the legatee shall come into the place of the deceased crofter in the croft as from the date of death of the deceased crofter, and the landlord shall notify the Commission accordingly.

- (3) Where notice has been given as aforesaid to the landlord he may within one month after the giving of the notice intimate to the legatee and to the Commission that he objects to receiving the legatee as tenant of the croft and shall state the grounds of his objection.
- (4) If, after affording to the legatee and to the landlord an opportunity of making representations to them, the Commission are—
  - (a) satisfied that the objection is reasonable, they shall declare the bequest to be null and void, and shall notify the landlord and the legatee accordingly;
  - (b) not so satisfied, they shall notify the landlord and the legatee to that effect, and the legatee shall thereupon come into the place of the deceased crofter in the croft as from the date of the death of the deceased crofter.

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*Status: This is the original version (as it was originally enacted).*

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- (5) If the bequest becomes null and void under this section, the right to the croft shall be treated as intestate estate of the deceased crofter in accordance with Part I of the 1964 Act.
- (6) Subject to the foregoing provisions of this section, any question arising with respect to the validity or effect of the bequest shall be determined by any court having jurisdiction to determine the validity and effect of the whole testamentary writings of the deceased crofter.