



Crofters (Scotland) Act 1993

1993 CHAPTER 44

[^{F1}Consent for absence from croft]

24 Decrofting in case of resumption or vacancy of croft.

- (1) This Act shall cease to apply to any land on its being resumed in pursuance of an order authorising its resumption made under section 20 of this Act by the Land Court, without prejudice, however, to the subsequent exercise of any powers conferred by this Act for the enlargement of existing crofts [^{F1}and to sections 3A and 21A of this Act] .
 - (2) Where a croft has, in consequence of the making of an order under [^{F2}section 26H(1)] of this Act, become vacant and has remained unlet for a period of 6 months beginning with the date on which the croft so became vacant, the Commission shall, if the landlord at any time within 3 months after the expiry of the period aforesaid, gives notice to the Commission requiring them to do so,
 - [^{F3}(a) forthwith or on the refusal of an application made under paragraph (b) below; or
 - (b) at the end of such further period as the Land Court, on the application of the Commission, may allow,]direct that the croft shall cease to be a croft.
- [^{F4}(2ZA) But the Commission may not make a direction in accordance with subsection (2) in relation to an unregistered croft—
- (a) 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 notice under that subsection is given; and
 - (b) until such an application is submitted.]
- [^{F5}(2A) Where a further period is allowed by virtue of subsection (2)(b) above, the Commission shall be liable to the landlord for an amount equal to the rent which would have been payable for the croft in respect of that period.]
- (3) Where a croft is vacant, the Commission may, on the application of the landlord, direct that the croft shall cease to be a croft or refuse to grant the application; and if the Commission direct under this subsection or under subsection (2) above that a croft

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 24. (See end of Document for details)

shall cease to be a croft then, subject to subsection (4) below, this Act shall cease to apply to the croft, without prejudice, however, to the subsequent exercise of any powers conferred by this Act or any enactment for the enlargement of existing crofts.

[^{F6}(3A) The Commission need not consider any application made by the landlord under subsection (3) if—

- (a) they have given notice, under section 11(8)(a) or 23(5), requiring the landlord to submit proposals for re-letting the croft and the period mentioned in section 11(8)(a) or, as the case may be, 23(5) 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 (5B) and (5C) of section 23.]

[^{F7}(3B) Where a direction is applied for under subsection (3) in relation to an unregistered croft, the Commission—

- (a) may not make such a 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;
- (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.

(3C) In relation to a registered croft (other than a first registered croft)—

- (a) a direction under subsection (2) or (3) (other than one under subsection (3) given by virtue of section 25(4) of this Act) expires at the end of the period of 3 months beginning with the date on which the direction was made unless an application for registration of the making 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.]

(4) The coming into effect of a direction given by the Commission by virtue of section 25(4) of this Act shall not affect the powers contained in the proviso to section 29(3) of this Act.

Textual Amendments

- F1** Words in s. 24(1) added (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(6)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F2** Words in s. 24(2) substituted (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(15)(a)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F3** S. 24(2)(a)(b) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 23(a)(i)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F4** S. 24(2ZA) inserted (30.11.2013) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(15)(b)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(c) (with sch. 2 para. 16(1))
- F5** S. 24(2A) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 23(a)(ii)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F6** S. 24(3A) inserted (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), **ss. 45**, 57(2) (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F7** S. 24(3B)(3C) inserted (30.11.2012 for specified purposes, 30.11.2013 in so far as not already in force) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(15)(c)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(c)(2), sch. 1 Pt. 2 (with sch. 2 para. 1(t)16(2))

Changes to legislation:

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 24.