



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Commission to obtain information and compile register of crofts

40 Obtaining of information by Commission.

- (1) [^{F1}Without prejudice to any other provision of this Act whereby information may or shall be obtained by them, the Commission may by notice under this section] served on the owner or the occupier of any holding [^{F2}, or on the executor of the person who most recently was the owner or occupier of any holding,] require him to furnish them with such information as may be specified in the notice with regard to the extent, the rent and the tenure of the holding and with regard to such other matters relating to the ownership or the occupation of the holding as the Commission may reasonably require for the execution of their functions under this Act.
- [^{F3}(1A) The information mentioned in subsection (1) above includes the age and date of birth of the owner or occupier of the holding or such other person or class of person as may be specified in the notice.]
- (2) If any [^{F4}owner, occupier or executor] on whom a notice has been served under subsection (1) above—
- (a) fails without reasonable cause or neglects to furnish to the Commission within 3 months after the service of the notice the information specified in the notice; or
 - (b) in furnishing such information as aforesaid knowingly or recklessly furnishes any information which is false in a material particular,
- he shall be guilty of an offence and shall be liable on summary conviction to a fine of an amount not exceeding level 1 on the standard scale.
- [^{F5}(3) Where the Commission impose a requirement under subsection (1) above, to provide information on any person making an application under this Act (the requirement being for the purposes of the application), the Commission may if they think fit decline to do anything in relation to the application until they are satisfied either that the requirement has been complied with or that it is not practicable to comply with the requirement.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 40. (See end of Document for details)

- (4) If the Commission are satisfied that it is not practicable to comply with the requirement (the “original requirement”) they may modify it; and subsection (3) above shall apply in relation to the modified requirement as that subsection applies to the original requirement.
- (5) This section applies in relation to a common grazing as it applies in relation to a holding except that for the purposes of that application references in the section to an occupier of a holding are to be construed as references to a crofter who shares in the common grazing.]

Textual Amendments

- F1** Words in s. 40(1) substituted (28.1.2008) by Crofting Reform etc. Act 2007 (asp 7), **ss. 4(a)(i)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/568, art. 2
- F2** Words in s. 40(1) inserted (28.1.2008) by Crofting Reform etc. Act 2007 (asp 7), **ss. 4(a)(ii)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/568, art. 2
- F3** S. 40(1A) inserted (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(24)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F4** Words in s. 40(2) substituted (28.1.2008) by Crofting Reform etc. Act 2007 (asp 7), **ss. 4(b)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/568, art. 2
- F5** S. 40(3)-(5) added (28.1.2008) by Crofting Reform etc. Act 2007 (asp 7), **ss. 4(c)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/568, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 40.