



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

### *Commission to obtain information and compile register of crofts*

#### **[<sup>F1</sup>40A Annual notices**

- (1) The Commission must—
  - (a) by notice given to each crofter, require the crofter to provide the Commission with the information mentioned in subsection (2);
  - (b) by notice given to each owner-occupier crofter, require the crofter to provide the Commission with the information mentioned in subsection (3).
- (2) The information referred to in subsection (1)(a) is—
  - (a) whether or not the crofter is complying with the duties mentioned in sections 5AA, 5B and 5C;
  - (b) where the crofter is not complying with one or more of those duties—
    - (i) in the case of the duty mentioned in section 5AA, whether the Commission have granted consent under section 21B;
    - (ii) in any case (other than the duty not to misuse the croft), whether a subtenant of the crofter by virtue of a lease to which section 27 applies is complying with the duty; and
  - (c) information relating to any other matter the Commission may require.
- (3) The information referred to in subsection (1)(b) is—
  - (a) whether or not the owner-occupier crofter is complying with the duties mentioned in section 19C(2);
  - (b) where the owner-occupier crofter is not complying with one or more of those duties—
    - (i) in the case of the duty mentioned in section 19C(2)(a), whether the Commission have granted consent under section 21B;
    - (ii) in any case (other than the duty not to misuse the croft), whether a tenant of the crofter by virtue of a short lease (within the meaning of section 29A) is complying with the duty; and
  - (c) information relating to any other matter the Commission may require.

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

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- (4) The first notices under subsection (1) must be given as soon as reasonably practicable after the end of the period of 1 year beginning with the day section 36 of the 2010 Act comes into force.
- (5) Subsequent notices must be given as soon as reasonably practicable after the end of each successive 1 year period.
- (6) Subsection (2) of section 40 applies to a notice given under subsection (1) of this section as it applies to a notice served under subsection (1) of that section.
- (7) Section 55(1A) does not apply to a notice given under subsection (1).]

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#### **Textual Amendments**

- F1** S. 40A inserted (1.4.2012) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 36, 57(2)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 2 (with art. 4)

**Changes to legislation:**

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