



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

*Financial assistance to crofters, cottars and certain owner- occupiers etc*

### 42 Crofters.

(1) For the purpose of [<sup>F1</sup>supporting any reasonable use which promotes the sustainable development of] crofts, the Secretary of State may, after consultation with the Commission <sup>F2</sup>..., make schemes for providing grants <sup>F2</sup>... to crofters.

[<sup>F3</sup>(1A) Such schemes shall specify criteria for determining who shall be eligible for grants payable under those schemes (as for example, the occupier's income, or the rental or agricultural value or extent of his croft); and different schemes may specify different criteria.]

(2) Any scheme under subsection (1) above may—

- (a) provide for the administration, through the agency of the Commission, of the grants <sup>F4</sup>... payable thereunder;
- (b) make provision enabling the [<sup>F5</sup>Scottish Ministers, or the Commission on behalf of the Ministers,] to recover the grant <sup>F6</sup>... in such circumstances and from such person as may be specified in the scheme;
- (c) provide that, where the grant <sup>F7</sup>... is being given in respect of a common grazing and a grazings committee or a grazings constable has been appointed under section 47 of this Act, the Secretary of State shall pay the grant <sup>F7</sup>... to the clerk of the grazings committee or the constable for the benefit of the crofters concerned.

(3) Any scheme under subsection (1) above shall be embodied in a statutory instrument which shall be laid before Parliament after being made, and any such scheme may be varied or revoked by a subsequent scheme made in the like manner.

(4) [<sup>F8</sup>Without prejudice to subsection (1) above,] The Secretary of State may, in accordance with arrangements made by him <sup>F9</sup>..., provide assistance by way of grants <sup>F9</sup>... towards the erection or improvement or rebuilding of dwelling-houses and other buildings for crofters or towards the provision or improvement of roads, or water or electricity or gas supplies.

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*Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 42. (See end of Document for details)*

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<sup>F10</sup>(5) .....

- (6) Regulations shall be made by the Secretary of State—
- (a) for securing that, where a grant has been made towards the erection, improvement or rebuilding of a dwelling-house or other building, conditions with respect to the occupation and maintenance thereof shall apply thereto for such period from the completion of the work (not being longer than 40 years) as may be specified in the regulations;
  - (b) for securing that in the event of a breach of any of the conditions the [<sup>F11</sup>Scottish Ministers, or the Commission on behalf of the Ministers,] may recover from such person as may be specified in the regulations a sum bearing the same proportion to the grant made as the period between the date of the breach of the condition and the expiration of the period specified under paragraph (a) above bears to the last mentioned period, together with interest on such sum from the date on which the grant was made at such a rate as may be specified in the regulations;
  - (c) for providing that the conditions applied by the regulations to a dwelling-house or building shall cease to apply on payment to the [<sup>F12</sup>Scottish Ministers, or to the Commission on behalf of the Ministers,] by such person as may be specified in the regulations of such amount as may be so specified;
  - (d) for securing that, where any conditions apply to a dwelling-house or building by virtue of the regulations, the Secretary of State shall cause to be recorded in the Register of Sasines or, as the case may be, registered in the Land Register of Scotland a notice in a form prescribed by the regulations specifying the conditions which by virtue of the regulations apply to the dwelling-house or building; and that, where such conditions cease so to apply by virtue of such a payment <sup>F13</sup>... as is referred to in paragraph (c) above, the Secretary of State shall cause to be so recorded or registered a notice in a form prescribed as aforesaid stating that the conditions no longer apply to the dwelling-house or building;
  - (e) for such other incidental and supplementary matters as appear to the Secretary of State to be requisite or expedient for the purposes aforesaid.
- (7) The Secretary of State may make regulations providing that the conditions applied to any dwelling-house by regulations made under subsection (6) above shall not apply to such dwelling-house in such circumstances and to such extent as may be specified in the regulations made under this subsection.
- (8) No [<sup>F14</sup>grant under subsection (1) above, nor assistance under subsection (4) above, shall be given towards carrying out any works] if assistance out of public money by way of grant or subsidy has been given under any other enactment towards the works in question.
- (9) A person shall not be disqualified for receiving [<sup>F15</sup>a grant under subsection (1) above nor] assistance under subsection (4) above by reason only that, after he has applied for and the Secretary of State has undertaken to provide such assistance, he has become the owner of the croft in respect of which the application was made.
- <sup>F16</sup>(9A) Any scheme under subsection (1) above or arrangements under subsection (4) above may provide that a person's economic status is a criterion for eligibility for grants payable under that scheme or those arrangements.]

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- (10) If any person, for the purpose of obtaining for himself or any other person a grant<sup>F17</sup> ... under a scheme made under subsection (1) above or under [F18]arrangements made unde] subsection (4) above, knowingly or recklessly makes a false statement he shall be guilty of an offence and shall be liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

#### Textual Amendments

- F1** Words in s. 42(1) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(a)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F2** Words in s. 42(1) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(a)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F3** S. 42(1A) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(b)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F4** Words in s. 42(2)(a) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(c)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F5** Words in s. 42(2)(b) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(c)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F6** Words in s. 42(2)(b) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(c)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F7** Words in s. 42(2)(c) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(c)(iii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F8** Words in s. 42(4) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(d)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F9** Words in s. 42(4) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(d)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F10** S. 42(5) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(e)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F11** Words in s. 42(6)(b) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(f)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F12** Words in s. 42(6)(c) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(f)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F13** Words in s. 42(6)(d) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(f)(iii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F14** Words in s. 42(8) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(g)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F15** Words in s. 42(9) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(h)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F16** S. 42(9A) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F17** Words in s. 42(10) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(j)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F18** Words in s. 42(10) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(j)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 42.