



Crofters (Scotland) Act 1993

1993 CHAPTER 44

[^{F1}^{F1} Crofters' duties relating to residency, use, misuse and neglect of crofts]

[^{F1}^{F2} 5B Termination of tenancy for misuse or neglect

- (1) A crofter must not misuse or neglect the crofter's croft.
- (2) A crofter misuses a croft where the crofter—
 - (a) wilfully and knowingly uses it otherwise than for the purpose of its being cultivated or put to such other purposeful use as is consented to under section 5C(4);
 - (b) fails to use the croft for the purposes of its being cultivated; or
 - (c) fails to put the croft to any such purposeful use.
- (3) A crofter neglects a croft where the croft is not managed so as to meet the standards of good agricultural and environmental condition referred to in regulation 4 of, and the schedule to, the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004 (SSI 2004 No. 518).
- (4) But where the crofter, in a planned and managed manner, engages in, or refrains from, an activity for the purpose of conserving—
 - (a) the natural beauty of the locality of the croft; or
 - (b) the flora and fauna of that locality,the crofter's so engaging or refraining is not to be treated as misuse or neglect as respects the croft.
- (5) If, immediately before the coming into force of section 7 of the Crofting Reform etc. Act 2007 (asp 7), the croft was being used for a subsidiary or auxiliary occupation by virtue of the right conferred by paragraph 3 of schedule 2 to this Act (as that paragraph then applied), any continuation of use for that occupation is not to be treated as misuse or neglect as respects the croft.
- (6) The Scottish Ministers may, by order, amend the meaning of neglect in subsection (3) so as to substitute different standards for those for the time being mentioned in that subsection.]]

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 5B. (See end of Document for details)

Textual Amendments

- F1** Ss. 5A, 5B inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 8**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F2** Ss. 5B, 5C substituted for s. 5B (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), **ss. 33(3)**, 57(2) (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

Changes to legislation:

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 5B.