Crofters (Scotland) Act 1993

1993 CHAPTER 44

[F1[F1Crofters' duties relating to residency, use, misuse and neglect of crofts]]

[F1 8 Assignation of croft.

(1) A crofter shall not assign his croft— **[**F2unless he obtains the consent of the Commission**]**

F3(1A) **[** Where a crofter applies for consent to assign a croft by virtue of subsection (1), the crofter must

(a) notify the Commission as to where the proposed assignee would intend, following any such assignation, ordinarily to reside; and

(b) provide the Commission with any other information it requests in connection with the application.

(1B) Where consent is applied for under subsection (1) in relation to an unregistered croft, the Commission—

(a) may not grant that consent 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 consent was made;

(b) need not, during that 6 month period, consider the application for consent until an application for first registration of the croft is submitted.**]**

F4(2) . . . . . .

F5(3) . . . . . .

F5(4) . . . . . .

(5) Where a crofter assigns his croft otherwise than with the consent **[**F6of the Commission**]** , such assignation and any deed purporting so to assign the tenancy shall be null and void and the Commission may declare the croft to be vacant.

(6) **[**F7In relation to an unregistered croft or a first registered croft,**]** An assignation to which the Commission have given their consent under this section shall take effect **[**F8on such date as the Commission shall specify in the consent (being a date not

less than two months after that on which the consent was intimated to the crofter) unless before that date**]** the crofter or his executor or legatee and the assignee jointly give to the Commission notice in writing that they do not intend to proceed with the assignation.

F9(6A) **[** In relation to a registered croft (other than a first registered croft)—

(a) any consent of the Commission given under this section to an assignation expires at the end of the period of 3 months beginning with the date on which such consent was given unless an application for registration of the assignation is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;

(b) the assignation takes effect on the date of registration.**]**

(7) Any reference in this section to a croft shall include a reference to a part of a croft, being a part consisting of any right in pasture or grazing land deemed by virtue of section 3(4) of this Act to form part of a croft.**]**

Textual Amendments

F1 S. 5AA and cross-heading inserted (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), **ss. 33(2)**, 57(2) (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

F2 Words in s. 8(1) substituted (28.1.2008) by Crofting Reform etc. Act 2007 (asp 7), **ss. 12(a)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/568, art. 2

F3 S. 8(1A)(1B) inserted (1.10.2011 for specified purposes, 30.11.2013 in force in so far as not already in force) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(8)(a)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4); S.S.I. 2012/288, art. 3(1)(c) (with Sch. 2 para. 10)

F4 S. 8(2) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(8)(b)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

F5 S. 8(2) substituted for s. 8(2)-(4) (28.1.2008) by Crofting Reform etc. Act 2007 (asp 7), **ss. 12(b)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/568, **art. 2**

F6 Words in s. 8(5) substituted (28.1.2008) by Crofting Reform etc. Act 2007 (asp 7), **ss. 12(c)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/568, art. 2

F7 Words in s. 8(6) inserted (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(8)(c)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2 (with sch. 2 para. 1(n)(o))

F8 Words in s. 8(6) substituted (28.1.2008) by Crofting Reform etc. Act 2007 (asp 7), **ss. 12(d)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/568, art. 2

F9 S. 8(6A) inserted (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(8)(d)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2 (with sch. 2 para. 1(n)(o))

Changes to legislation:
There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 8.