



Crofters (Scotland) Act 1961

1961 CHAPTER 58

11 Subletting of crofts

- (1) The provisions of this subsection shall have effect with respect to any sublease of his croft by a crofter which is subsisting at the commencement of this Act, that is to say—
 - (a) where it was entered into without the consent in writing of the landlord of the croft, then if within six months from the commencement of this Act the landlord and the crofter intimate jointly to the Commission that the sublease has been entered into and furnish the Commission with the name of the subtenant and the duration of the sublease, the sublease shall be held to be valid as from the date of such intimation ;
 - (b) where it was entered into with the consent in writing of the landlord, the sublease shall become null and void on the expiry of six months from the commencement of this Act unless before the expiry of that period the crofter has intimated to the Commission that the sublease has been entered into and has furnished the Commission with the name of the subtenant and the duration of the sublease.
- (2) Notwithstanding any enactment or rule of law a crofter shall be entitled after the commencement of this Act to sublet his croft without the consent of the landlord of the croft.
- (3) A crofter shall not after the commencement of this Act sublet his croft otherwise than with the consent in writing of the Commission and in accordance with such conditions (which shall not include conditions relating to rent) as the Commission in giving their consent may impose; and any sublease of his croft granted by a crofter otherwise than as aforesaid shall be null and void:

Provided that nothing in this subsection shall be construed as debarring a crofter from subletting any dwelling-house or other building forming part of his croft to holiday visitors.

- (4) On applying to the Commission for their consent to a proposed sublease of his croft, a crofter shall furnish such information with respect to the proposed sublease, including the name of the subtenant, the duration of the sublease and the terms and conditions of the sublease (other than those relating to rent), as the Commission may require.

Status: This is the original version (as it was originally enacted).

- (5) The Commission shall, on an application being made to them by a crofter for their consent to a proposed sublease of a croft, serve on the landlord of the croft a notice stating that such application has been made and specifying the name and designation of the proposed subtenant, and in deciding whether to give or to refuse consent to such sublease the Commission shall have regard to any observations made to them by the landlord within fourteen days from the date of the service of such notice.
- (6) The Commission may, in giving their consent to a proposed sublease of a croft, impose such conditions (other than any relating to rent) as they may think fit.