



Crofting Reform etc. Act 2007

2007 asp 7

PART 3 **S**

TERMINATION OF TENANCY, DECROFTING, ETC.

22 Resumption and reversion **S**

- (1) In section 20 of the 1993 Act (resumption of croft or part of croft by landlord)—
- (a) in subsection (1), after the word “interest” there is inserted “ or the interests of the crofting community in the locality of the croft ”;
 - (b) after that subsection there is inserted—
 - “(1A) A landlord making application under subsection (1) above must give notice of it to the Commission; and the Commission may, if they think fit, oppose or support the application.
 - (1B) Without prejudice to the generality of subsection (1) above, resumption may be authorised under that subsection for a specified period of time (such resumption being in this Act referred to as “temporary resumption” and resumption other than for a specified period of time as “ordinary resumption”) and the land shall revert to being a croft (or to being part of a croft)—
 - (a) on the date on which the period (or as the case may be the period as extended under subsection (1D) below) elapses; or
 - (b) on such earlier date as the Land Court may specify in an order under section 21A(1) of this Act.
 - (1C) Subject to subsection (1D) below, the Land Court may, on the application of the landlord, extend the period specified under subsection (1B) above.
 - (1D) Where a planning permission granted for a limited period subsists for a change of the use of the land, being a change for which resumption was authorised, the Land Court must, on such application, extend the period so specified; but not to a date later than the end of the period specified in the condition under subsection (1)(b) of section 41 of the

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Town and Country Planning (Scotland) Act 1997 (c. 8) to which the permission is subject.

- (1E) In subsection (1D) above, “planning permission granted for a limited period” shall be construed in accordance with subsection (3) of that section.
- (1F) The Land Court may, on the application of the landlord made before the expiry of the specified period of time referred to in subsection (1B) above, determine that a resumption authorised as a temporary resumption is to be taken to be an ordinary resumption; and where such a determination is made—
- (a) subsections (1B) to (1D) above and the exception to subsection (2)(b) of section 21A of this Act shall cease to be applicable as respects the resumption; and
 - (b) the Land Court may determine (either or both)—
 - (i) that the landlord shall make further compensation under subsection (1) above;
 - (ii) that the crofter shall, under section 21(1) of this Act, be entitled to a further share in the value of the land.”.
 - (c) in subsection (3)(a), after sub-paragraph (viii) (but before the word “or” which immediately follows that sub-paragraph), there is inserted—

“(viiiia) the generation of energy;”.
- (2) In section 21 of the 1993 Act (crofter's right to share in value of land resumed by landlord)—
- (a) after subsection (1) there is inserted—

“(1A) If it thinks fit the Land Court may, having regard to how the purpose for which resumption is authorised is to be carried out, determine that a sum awarded under this section shall be payable in instalments of such amounts and on such dates as it shall specify in the determination.

(1B) On making a determination under subsection (1A), the Land Court shall intimate to the Commission that it has done so and provide them with a copy of the determination; and the Commission shall enter that copy in the Register of Crofts.

(1C) When so entered the determination shall bind any successor to the landlord as it binds the landlord.”; and
 - (b) in subsection (6), after the word “payable” there is inserted “, or in the case of payment by instalments as from the date when the unpaid balance of such sum is payable, ”.
- (3) After section 21 of the 1993 Act, there is inserted—

“21A Reversion of resumed land

- (1) The Land Court may, on the application of any relevant person and on being satisfied that the conditions specified in subsection (2) below are met, make an order that land resumed by virtue of section 20(1) of this Act shall revert to being a croft (or to being part of a croft).

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- (2) The conditions are—
- (a) no debt is for the time being secured by way of a standard security over, or over any real right in, the land or any part of it;
 - (b) except in the case of a temporary resumption, not less than 5 nor more than 20 years have elapsed since the resumption of the croft was authorised;
 - (c) the purpose for which the landlord desired to resume the croft has not been carried out;
 - (d) no planning permission relating to a change of the use of the land subsists;
 - (e) the land remains suitable for use by crofters for cultivation; and
 - (f) the land is owned by the person who was authorised to resume the croft.
- (3) For the purposes of subsection (2)(e) above, “cultivate” has the same meaning as in Schedule 2 to this Act.
- (4) Where land reverts by virtue of subsection (1) above, the Land Court may make such order (if any) as it thinks fit as to the repayment, in whole or in part, of any sum awarded as compensation under section 20(1), or any share in value paid by virtue of section 21(1), of this Act.
- (5) Where land which reverts by virtue of subsection (1) above or under section 20(1B) of this Act comprises a common grazing, the Land Court may make such order as it thinks fit as to shares in the common grazing.
- (6) “Relevant person” in subsection (1) above means the Commission, the landlord, the person who surrendered the land or, where the land comprises a common grazing, the owner or the grazings committee.”.

Commencement Information

II S. 22 in force at 25.6.2007 by S.S.I. 2007/269, art. 2, Sch.

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