



Crofting Reform etc. Act 2007

2007 asp 7

PART 3

TERMINATION OF TENANCY, DECROFTING, ETC.

23 Decrofting

In the 1993 Act—

- (a) in section 24 (decrofting in case of resumption or vacancy of croft)—
 - (i) in subsection (2), after the words “do so” there are inserted the following paragraphs—
 - “(a) forthwith or on the refusal of an application made under paragraph (b) below; or
 - (b) at the end of such further period as the Land Court, on the application of the Commission, may allow;”;
 - (ii) after that subsection there is inserted—
 - “(2A) Where a further period is allowed by virtue of subsection (2) (b) above, the Commission shall be liable to the landlord for an amount equal to the rent which would have been payable for the croft in respect of that period.”;
- (b) in section 25 (provisions supplementary to section 24(3))—
 - (i) in subsection (1)(a), after the word “interest” there is inserted “or to the interests of the crofting community in the locality of the croft”;
 - (ii) in subsection (1), after paragraph (b) there is added “or
 - (c) the application is made in respect of a croft the conveyance in feu of which was granted under section 17 or 18 of the 1955 Act”;
 - (iii) in subsection (2), for the words “(1)(b)” there is substituted “(1)(b) or (c)”;
 - (iv) in subsection (3), after the word “conditions” there is inserted “(which may include provision as to timescales)”;
 - (v) after subsection (3) there is inserted—

Status: This is the original version (as it was originally enacted).

“(3A) Conditions imposed by virtue of subsection (3) above may include a condition that the use be initiated by a time specified in the condition.

(3B) The Commission may from time to time modify any conditions so imposed.

(3C) No such further direction as is mentioned in subsection (3) above shall be made if—

- (a) more than 20 years have elapsed since the direction under section 24(3) of this Act;
- (b) the land, or any part of it, has, since the direction under that section, been conveyed to a person other than the former crofter or a member of the former crofter’s family; or
- (c) a 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.”;

(vi) after subsection (4) there is inserted—

“(4A) Written notice of an application under subsection (4) above made in respect of a part of a croft consisting only of the site of the dwelling-house on or pertaining to the croft shall be given to the landlord by the applicant; and the Commission—

- (a) shall not give a direction by virtue of that subsection on an application so made unless they are satisfied (in addition to what is required by subsection (1)(b) above) that; and
- (b) may include in any such direction conditions for the purpose of ensuring that,

implementation of the proposal would not prevent or impede access to another part of the croft or to other croft land.”; and

(vii) for subsections (7) and (8) there is substituted—

“(7) The Commission shall give both—

- (a) notice in writing to the applicant; and
- (b) public notification,

of their direction on an application made to them under the said section 24(3) or subsection (4) above, specifying the nature of and the reasons for the direction and, as the case may be, for any conditions imposed in the direction.

(7A) The Commission shall—

- (a) give written notification to the owner of land—
 - (i) to which a further direction under subsection (3) above relates of the making of that direction; and
 - (ii) of the modification, under subsection (3B) above, of a condition which relates to that land; and
- (b) give public notification of those matters.

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

(8) As regards—

- (a) a direction (including a condition in a direction) by the Commission on an application—
 - (i) under section 24(3) of this Act, the applicant or any member of the crofting community in the locality of the land;
 - (ii) under subsection (4) above, the applicant or the owner of the land,may within 42 days after the giving of public notification of the making of the direction;
- (b) a modification under subsection (3B) above, of a condition which relates to land, the owner, or any tenant of the land or any member of the crofting community in the locality of the land, may within 42 days after the giving of public notification of the modification; or
- (c) a further direction under subsection (3) above, the owner, or any tenant, of the land, may within 42 days after the making of that direction,

appeal by way of stated case, on one or more of the grounds mentioned in section 52A(3) of this Act, to the Land Court.

(8A) For the purposes of this section, the references in section 52A(3) to a “direction” are to be construed as including references to a modification.

(8B) In an appeal under subsection (8) above the Court may—

- (a) confirm or revoke the direction or modification;
- (b) direct the Commission to make a different direction or modification; or
- (c) remit the case to the Commission without so directing them.”.