



# Crofting Reform etc. Act 2007

## 2007 asp 7

### PART 3

#### TERMINATION OF TENANCY, DECROFTING, ETC.

#### 24 Re-letting

In section 23 of the 1993 Act (vacant crofts)—

(a) for subsection (3) there is substituted—

“(3) The landlord of a croft shall not, without the approval of the Commission, let the croft or any part of it to any person; and any letting of the croft otherwise than with such approval shall be null and void.

(3A) In the case of an application made by virtue of subsection (3) above, the following special conditions apply for the purposes of section 58A(6)(b)(ii) of this Act—

- (a) that the proposed tenant lives, or intends to live, more than 16 kilometres distant from the croft;
- (b) that he already owns or is tenant of a croft;
- (c) that he lacks the knowledge, abilities and experience to cultivate the croft or as the case may be to put it to such other purposeful use as he intends;
- (d) that he is the grazings clerk, a member of the grazings committee, the owner of the common grazing or a member of the landlord’s family;
- (e) where the landlord is not a natural person, that the proposed tenant is a member or employee, or is a member of the family of a member or employee, of the body which constitutes the landlord; and
- (f) that there are reasonable grounds for concern over the use to which the proposed tenant intends to put the croft.”;

(b) in subsection (5)—

- (i) at the beginning there is inserted “Subject to subsection (5A) below,”;
- and

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*Status: This is the original version (as it was originally enacted).*

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- (ii) for the words from “the Commission refuse” to the end of the proviso there is substituted “the Commission’s approval of them is not obtained, the Commission must proceed in accordance with subsections (5B) and (5C) below.
- (5A) Where the croft is declared vacant in pursuance of section 11(8) of this Act, if, within a period of four months from the giving of notice under that section, the proposals required by that notice to be submitted are not submitted or the Commission’s approval of them is not obtained, the Commission must proceed in accordance with subsections (5B) and (5C) below.
- (5B) The Commission shall, by public notification, invite applications for tenancy of the croft within such period as shall be specified in the notification.
- (5C) When that period has elapsed, the Commission shall determine—
- (a) to which of the applicants (if any) to let the croft; and
  - (b) in consultation with the landlord, on what terms and conditions.”.