



Crofting Reform (Scotland) Act 2010

2010 asp 14

PART 4

FURTHER AMENDMENTS OF THE 1993 ACT

Letting of vacant crofts

44 Requirements to submit proposals for re-letting crofts

- (1) Section 11 of the 1993 Act (intestacy) is amended as follows.
- (2) In subsection (8)(a), after “them” insert “, before the expiry of the period of 4 months beginning with the day on which the notice is given,”.
- (3) Section 23 of the 1993 Act (vacant crofts) is amended as follows.
- (4) In subsection (5)—
 - (a) after “them” where it first occurs insert “, before the expiry of the period of 2 months beginning with the day on which the notice is given,”; and
 - (b) the words from “, and if,” to the end are repealed.
- (5) After that subsection insert—
 - “(5ZA) No more than three proposals may be submitted to the Commission in response to a notice given under subsection (5).
 - (5ZB) Where a proposal for letting the croft is submitted to the Commission in response to a notice given under subsection (5), they must approve or reject the proposal—
 - (a) in a case where the croft is declared vacant under section 11(8), within the period of 5 months beginning with the day on which the notice under section 11(8)(a) is given; or
 - (b) in any other case, within the period of 3 months beginning with the day on which the notice under subsection (5) was given.
 - (5ZC) The Commission must (as soon as is reasonably practicable) proceed in accordance with subsections (5B) and (5C) if—

Status: This is the original version (as it was originally enacted).

- (a) no proposals for letting the croft are submitted by the landlord before the expiry of the period of 2 months mentioned in subsection (5);
- (b) the landlord has submitted one or two proposals for letting the croft within the period of 2 months mentioned in subsection (5) and—
 - (i) all such proposals are rejected by the Commission; and
 - (ii) the period of 2 months mentioned in subsection (5) has expired; or
- (c) the landlord has submitted three proposals for letting the croft (within the period of 2 months mentioned in subsection (5)) and the Commission have rejected all three.”.

(6) For subsection (5A) substitute—

“(5A) Where a croft is declared vacant under section 11(8), the Commission must (as soon as is reasonably practicable) proceed in accordance with subsections (5B) and (5C) if—

- (a) no proposals for letting the croft are submitted by the landlord before the expiry of the period of 4 months mentioned in section 11(8)(a);
- (b) the landlord has submitted one or two proposals for letting the croft within the period of 4 months mentioned in section 11(8)(a) and—
 - (i) all such proposals are rejected by the Commission; and
 - (ii) the period of 4 months mentioned in section 11(8)(a) has expired; or
- (c) the landlord has submitted three proposals for letting the croft (within the period of 4 months mentioned in section 11(8)(a)) and the Commission have rejected all three.”.

45 Application to decroft where action being taken to re-let vacant croft

In section 24 of the 1993 Act (decrofting in case of resumption or vacancy), after subsection (3) insert—

“(3A) The Commission need not consider any application made by the landlord under subsection (3) if—

- (a) they have given notice, under section 11(8)(a) or 23(5), requiring the landlord to submit proposals for re-letting the croft and the period mentioned in section 11(8)(a) or, as the case may be, 23(5) within which such proposals must be submitted has not expired; or
- (b) no such proposals having been submitted before the expiry of that period or, such proposals having been submitted, no such proposal having been approved, they are proceeding in accordance with subsections (5B) and (5C) of section 23.”.