



# Crofting Reform (Scotland) Act 2010

## 2010 asp 14

### PART 3

#### DUTIES OF CROFTERS AND OWNER-OCCUPIER CROFTERS

##### *Letting of owner-occupied crofts*

#### **39 Letting of owner-occupied crofts**

After section 29 of the 1993 Act insert—

##### *“Letting of owner-occupied crofts*

#### **29A Letting of owner-occupied crofts**

- (1) An owner-occupier crofter may not let the owner-occupier's croft (or any part of it) without the consent of the Commission.
- (2) Subject to subsection (7), where consent is applied for under subsection (1) in relation to an unregistered owner-occupied croft (or any part of such an owner-occupied croft), the Commission—
  - (a) may not grant that consent unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application for consent was made;
  - (b) need not, during that 6 month period, consider the application for consent until an application for first registration of the croft is submitted.
- (3) Subject to subsection (8), in relation to a registered owner-occupied croft (other than an owner-occupied croft which is a first registered croft), or any part of such a croft—
  - (a) any consent under subsection (1) expires at the end of the period of 3 months beginning with the date on which such consent was granted unless an application for registration of the letting of the croft (or part of the croft) is made by virtue of section 5 of the 2010 Act before the expiry of that period;

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*Changes to legislation: There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, Section 39. (See end of Document for details)*

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- (b) the letting of the croft (or part of the croft) takes effect on the date of registration.
- (4) The Commission may, in giving their consent to a proposed lease of an owner-occupied croft for a period not exceeding 10 years (a “short lease”), impose such conditions (other than any relating to rent) as they consider appropriate.
- (5) A lease is void if it is granted—
  - (a) without the Commission's consent;
  - (b) in the case of a short lease, otherwise than in accordance with such conditions as the Commission may impose.
- (6) The Commission may terminate a short lease granted under this section if—
  - (a) a condition imposed under subsection (4) is breached; or
  - (b) the tenant fails to comply with a condition of let (other than any relating to rent).
- (7) Subsection (2) does not apply to an application for consent to a proposed lease which is a short lease.
- (8) Subsection (3) does not apply to—
  - (a) consent under subsection (1) to a short lease; or
  - (b) the letting of the croft (or part of the croft) on a short lease.
- (9) Where, by virtue of a lease granted under this section, a right in a common grazing is let to the tenant under the lease—
  - (a) that tenant comes into the place of the owner-occupier crofter in relation to any matter which concerns the right; and
  - (b) any grazings regulations applicable to the grazing apply to the tenant accordingly.
- (10) Subsections (1) to (6) do not apply to the letting of any dwelling-house or other building forming part of the owner-occupied croft to holiday visitors.

### **29B Status of tenant under a short lease**

The tenant under a short lease of an owner-occupied croft is not to be treated as—

- (a) a crofter; or
- (b) the tenant under a lease constituting—
  - (i) a 1991 Act tenancy within the meaning of the Agricultural Holdings (Scotland) Act 2003 (asp 11);
  - (ii) a short limited duration tenancy within the meaning of that Act; or
  - (iii) a limited duration tenancy within the meaning of that Act.”.

#### **Commencement Information**

- I1** S. 39 in force at 22.12.2010 for specified purposes by S.S.I. 2010/437, art. 3, Sch. (with art. 4)
- I2** S. 39 in force at 1.10.2011 for specified purposes by S.S.I. 2011/334, art. 3(1)(a)(2), Sch. Pt. 1 (with arts. 4, 5(3))

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**Changes to legislation:** *There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, Section 39. (See end of Document for details)*

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- I3** S. 39 in force at 30.11.2012 for specified purposes by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2** (with Sch. 2 para. 1(v))
- I4** S. 39 in force at 30.11.2013 in so far as not already in force by S.S.I. 2012/288, **art. 3(1)(c)** (with Sch. 2 para. 6)

**Changes to legislation:**

There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, Section 39.