

Status: Point in time view as at 25/06/2007.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 5.

THE STATUTORY CONDITIONS

- 1 The crofter shall pay his rent at the terms at which it is due and payable.
- 2 The crofter shall not, except in accordance with the provisions of this Act, execute any deed purporting to assign his tenancy.
- 3 The crofter shall, by himself or his family, with or without hired labour, cultivate his croft, without prejudice to the right hereby conferred on him to make such use thereof for subsidiary or auxiliary occupations as, in case of dispute, the Land Court may find to be reasonable and not inconsistent with the cultivation of the croft.
- 4 The crofter shall provide such fixed equipment on his croft as may be necessary to enable him to cultivate the croft.
- 5 The crofter shall not, to the prejudice of the interest of the landlord, persistently injure the croft by the dilapidation of buildings or, after notice in writing has been given by the landlord to the crofter not to commit, or to desist from, the particular injury specified in the notice, by the deterioration of the soil.
- 6 The crofter shall not sublet his croft or any part thereof otherwise than with the consent in writing of the Commission and in accordance with such conditions (which shall not include conditions relating to rent) as the Commission in giving their consent may impose:

Provided that nothing in this paragraph shall be construed as debarring a crofter from subletting any dwelling-house or other building forming part of his croft to holiday visitors.

- [^{F1}6A The crofter shall be responsible for ensuring, where the croft is sublet, that the subtenant adheres to the statutory conditions.]

Textual Amendments

- F1** Sch. 2 para. 6A inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 7(2)(e), 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

- 7 The crofter shall not, except in accordance with the provisions of this Act, [^{F2}divide] his croft.

Textual Amendments

- F2** Word in Sch. 2 para. 7 substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 7(2)(f), 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

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- 8 The crofter shall not, without the consent in writing of the landlord, erect or suffer to be erected on the croft any dwelling-house otherwise than in substitution for a dwelling-house which at the commencement of this Act was already on the croft:

Provided that, if at the commencement of this Act there was no dwelling-house on the croft, the crofter may erect one dwelling-house thereon.

- 9 The crofter shall not ^{F3}... violate any written condition signed by him for the protection of the interest of the landlord or of neighbouring crofters which is legally applicable to the croft and which the Land Court shall find to be reasonable.

Textual Amendments

- F3** Word in Sch. 2 para. 9 repealed (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 7(2)(g), 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

- 10 The crofter shall not do any act whereby he becomes apparently insolvent within the meaning of the ^{M1}Bankruptcy (Scotland) Act 1985.

Marginal Citations

- M1** 1985 c. 66.

- 11 The crofter shall permit the landlord or any person authorised by the landlord in that behalf to enter upon the croft for the purpose of exercising (subject always to the payment of such compensation as in case of dispute the Land Court may find to be reasonable in respect of any damage done or occasioned thereby) any of the following rights, and shall not obstruct the landlord or any person authorised as aforesaid in the exercise of any of such rights, that is to say—

- (a) mining or taking minerals, or digging or searching for minerals;
- (b) quarrying or taking stone, marble, gravel, sand, clay, slate or other workable mineral;
- (c) using for any estate purpose any springs of water rising on the croft and not required for the use thereof;
- (d) cutting or taking timber or peats, excepting timber and other trees planted by the crofter or any of his predecessors in the tenancy, or which may be necessary for ornament or shelter, and excepting also such peats as may be required for the use of the croft;
- (e) opening or making roads, fences, drains and water courses;
- (f) passing and re-passing to and from the shore of the sea or any loch with or without vehicles for the purpose of exercising any right of property or other right belonging to the landlord;
- (g) viewing or examining at reasonable times the state of the croft and all buildings or improvements thereon;
- (h) hunting, shooting, fishing or taking game or fish, wild birds or vermin;

but nothing in this paragraph shall be held to preclude the crofter from recovering any compensation for damage by game which is recoverable under section 52 of the ^{M2}Agricultural Holdings (Scotland) Act 1991 [^{F4}, or by virtue of section 53(3) of the Agricultural Holdings (Scotland) Act 2003 (asp 11)] , by a tenant^{F5}....

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Textual Amendments

- F4** Words in Sch. 2 para. 11 inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [sch. para. 49\(c\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with sch.)
- F5** Words in Sch. 2 para. 11 repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [sch. para. 49\(c\)\(ii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with sch.)

Marginal Citations

- M2** 1991 c. 55.

- [^{F6}11A Nothing in paragraph 11 above shall be held to allow, or require the crofter to allow, the landlord, or any person authorised by the landlord, to exercise unreasonably a right enjoyed by virtue of that paragraph.]

Textual Amendments

- F6** Sch. 2 para. 11A inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), [ss. 7\(2\)\(h\)](#), 43(3) (with [ss. 40](#), 43(2)); S.S.I. 2007/269, art. 2, sch.

- 12 The crofter shall not on his croft, without the consent in writing of the landlord, open any house for the sale of intoxicating liquors.

- 13 In this Schedule—

“cultivate” includes the use of a croft for horticulture or for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, the growing of fruit, vegetables and the like and the planting of trees and use of the land as woodlands;

“game” means deer, hares, rabbits, pheasants, partridges, grouse, blackgame, capercaillie, ptarmigan, woodcock, snipe, wild duck, widgeon and teal.

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