



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Rights of crofters and cottars to acquire their subjects

12 General provision.

- (1) A crofter may, failing agreement with the landlord as to the acquisition by the crofter of croft land tenanted by him, apply to the Land Court for an order authorising him to make such acquisition.
- (2) A crofter shall be entitled to a conveyance of the site of the dwelling-house on or pertaining to the croft tenanted by him, and a cottar shall be entitled to a conveyance of the site of the dwelling-house on or pertaining to his subject, and the crofter or cottar may, failing agreement with the landlord, apply to the Land Court for an order requiring the landlord to grant such a conveyance.
- (3) In this Act “croft land” includes any land being part of a croft, other than—
 - (a) the site of the dwelling-house on or pertaining to the croft;
 - (b) any land, comprising any part of a common grazing, unless the land has been apportioned under section 52(4) of this Act and—
 - (i) is adjacent or contiguous to any other part of the croft; or
 - (ii) consists of arable machair;
 - (c) any right to mines, metals or minerals or salmon fishings (not being salmon fishings in Orkney or Shetland) pertaining to the croft.
- (4) In this Act, “the site of the dwelling-house” includes any building thereon and such extent of garden ground as, failing agreement with the landlord, may be determined by the Land Court by order under 15(1) of this Act to be appropriate for the reasonable enjoyment of the dwelling-house as a residence but does not include—
 - (a) any right to mines, metals or minerals pertaining thereto; or
 - (b) where there is more than one dwelling-house on or pertaining to a croft or, as the case may be, the subject of a cottar, the site of more than one dwelling-house; or

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 12. (See end of Document for details)

- (c) where the site of the dwelling-house on or pertaining to a croft has been acquired by the crofter after 10th June 1976, the site of any dwelling-house erected after such acquisition on or pertaining to the remainder of the croft.
- (5) In this Act “cottar” means the occupier of a dwelling-house situated in the crofting counties with or without land who pays no rent, or the tenant from year to year of a dwelling-house situated as aforesaid who resides therein and who pays therefor an annual rent not exceeding £6, whether with or without garden ground but without arable or pasture land.

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