



Crofters (Scotland) Act 1993

1993 CHAPTER 44

[^{F1}Enforcement of duties

[^{F1}26B Enforcement of duties of crofters and owner-occupier crofters: general

- (1) This section and section 26C apply where the Commission consider (whether following an investigation under section 26A(4) or otherwise) that—
 - (a) a crofter is not complying with any of the duties mentioned in section 5AA, 5B or 5C;
 - (b) an owner-occupier crofter is not complying with any of the duties mentioned in section 19C(2).
- (2) For the purposes of subsection (1)(a)—
 - (a) where a crofter has sublet the croft by virtue of a lease to which section 27 applies, the crofter is deemed to comply with the duties mentioned in that subsection (other than the duty not to misuse the croft) if the crofter's subtenant complies with the duties;
 - (b) where the Commission have granted consent under section 21B, the crofter is deemed to comply with the duty mentioned in section 5AA.
- (3) For the purposes of subsection (1)(b)—
 - (a) where an owner-occupier crofter has let the croft by virtue of a short lease to which section 29A applies, the owner-occupier crofter is deemed to comply with the duties mentioned in that subsection (other than the duty not to misuse the croft) if the owner-occupier crofter's tenant complies with the duties;
 - (b) where the Commission have granted consent under section 21B, the owner-occupier crofter is deemed to comply with the duty mentioned in section 19C(2)(a).
- (4) In sections 26C, 26D and 26K, the “relevant person” means the crofter (in the case of a croft) or the owner-occupier crofter (in the case of an owner-occupied croft).]

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 26B. (See end of Document for details)

Textual Amendments

- F1** Ss. 26A-26K and cross-heading inserted (1.10.2011 for specified purposes, 30.11.2012 for specified purposes, 30.11.2013 in so far as not already in force) by Crofting Reform (Scotland) Act 2010 (asp 14), ss. 37, 57(2) (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with arts. 45(3)); S.S.I. 2012/288, art. 3(1)(b)(c)(2), sch. 1 Pt. 2 (with sch. 2 para. 5(1)(2)(3)(4))

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There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 26B.