



Crofters (Scotland) Act 1993

1993 CHAPTER 44

[^{F1}Enforcement of duties

[^{F1}26G Division of croft before taking action

- (1) Before taking action under section 26H or 26J, the Commission may, if they are satisfied that it is fair to do so, divide a croft or, as the case may be, an owner-occupied croft.
- (2) In satisfying themselves as mentioned in subsection (1), the Commission must have regard to—
 - (a) the use and occupation of the croft or owner-occupied croft;
 - (b) in the case of a croft, the interests of the estate in which the croft is located;
 - (c) the sustainable development of the crofting community in the locality of the croft or owner-occupied croft;
 - (d) such other matters as the Commission consider appropriate.
- (3) Any division of a croft or an owner-occupied croft under subsection (1) takes effect—
 - (a) as respects an application for first registration of the croft, or owner-occupied croft, submitted by virtue of section 4 of the 2010 Act, on the date of registration;
 - (b) as respects an application for registration of the division of the croft, or owner-occupied croft, submitted by virtue of section 5 of that Act, on the date of registration.
- (4) The Keeper must make up and maintain a registration schedule in accordance with section 11 of the 2010 Act in respect of a new croft created by a division under this section.
- (5) Where a croft or owner-occupied croft has been divided under subsection (1), the Commission may take action under section 26H or 26J in respect of any or all of the new crofts created by the division.

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

- (6) Where a croft, other than an owner-occupied croft, is divided under subsection (1), the Commission must give written notice of the division to the landlord of the croft, specifying the date on which the division took effect.
- (7) In this section—
- “division” means the division of a croft or an owner-occupied croft into two or more new crofts; and “divide” is to be construed accordingly; and
- “new crofts” mean each of the crofts created by a division under subsection (1).]

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))

Changes to legislation:

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