



Crofters (Scotland) Act 1993

1993 CHAPTER 44

[^{F1}Enforcement of duties

[^{F1}26J Owner-occupier crofters: letting procedure

- (1) The Commission must, unless they consider that there is a good reason not to, direct the owner-occupier crofter to submit to them, before the expiry of the period of 28 days beginning with the day on which the direction is given, a proposal for letting the owner-occupier's croft.
- (2) No more than three proposals for letting the croft may be submitted in response to a direction given under subsection (1).
- (3) Where a proposal for letting the croft is submitted to the Commission in response to a direction given under subsection (1), they must approve or reject the proposal within the period of 8 weeks beginning with the day on which the direction was given.
- (4) The Commission must (as soon as is reasonably practicable) proceed in accordance with subsections (7) and (8) if—
 - (a) no proposals for letting the croft are submitted by the owner-occupier crofter before the expiry of the period mentioned in subsection (1);
 - (b) the owner-occupier crofter has submitted one or two proposals for letting the croft within the period mentioned in subsection (1) and—
 - (i) all such proposals are rejected by the Commission; and
 - (ii) the period mentioned in subsection (1) has expired; or
 - (c) the owner-occupier crofter has submitted three proposals for letting the croft (within the period mentioned in subsection (1)) and the Commission have rejected all three.
- (5) Any letting of an unregistered owner-occupied croft in accordance with proposals submitted under subsection (1) is void unless an application for first registration of the owner-occupied croft is submitted before the expiry of the period of 3 months beginning with the date of the letting.
- (6) In relation to a registered owner-occupied croft—

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

- (a) any approval under subsection (3) of a proposal for letting the owner-occupied croft under subsection (1) expires at the end of the period of 3 months beginning with the date on which the approval was given unless an application for registration of the letting of the owner-occupied croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
 - (b) the letting of the owner-occupied croft takes effect on the date of registration.
- (7) The Commission must, by public notification, invite applications for letting the owner-occupied croft before the expiry of the period specified in the notification.
- (8) When the period of notification has ended, the Commission must decide—
- (a) to which of the applicants (if any) to let the owner-occupied croft; and
 - (b) after consulting the owner-occupier crofter, on what conditions to let the croft.
- (9) Any letting of an unregistered owner-occupied croft pursuant to a decision under subsection (8) is void unless an application for first registration of the owner-occupied croft is submitted before the expiry of the period of 3 months beginning with the date of the letting.
- (10) In relation to a registered owner-occupied croft—
- (a) any decision under subsection (8) to let the owner-occupied croft to an applicant is, at the end of the period of 3 months beginning with the date on which the decision was made, to be treated as if it had not been made unless an application for registration of the croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
 - (b) the letting of the owner-occupied croft takes effect on the date of registration.
- (11) Where an owner-occupied croft has been let on conditions set by the Commission under subsection (8)(b), the owner-occupier crofter may, before the expiry of the period of 28 days beginning with the day of the letting, apply to the Land Court for a variation of the conditions so set.
- (12) If the Land Court, on an application under subsection (11), varies the conditions of let, any variation takes effect as from the date of the letting.]

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:

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