



Crofting Reform etc. Act 2007

2007 asp 7

PART 2

CROFTS

15 Transfer of tenancy of croft by executor: amendment of section 16 of the Succession (Scotland) Act 1964

- (1) Section 16 of the Succession (Scotland) Act 1964 (powers of executor to assign lease which prohibits assignation) is amended as follows.
- (2) In subsection (2), for the words from “notwithstanding” to the end, there is substituted “subject to subsection (2A) of this section, to transfer the interest.”.
- (3) After that subsection, there is inserted—
 - “(2A) Transfer by an executor pursuant to subsection (2) of this section—
 - (a) of an interest under an agricultural lease which is a lease of a croft within the meaning of section 3(1) of the Crofters (Scotland) Act 1993 (c. 44) shall require the consent of the Crofters Commission; and
 - (b) of an interest under any other lease (including any agricultural lease which does not fall within paragraph (a) of this subsection) and which is not a transfer to one of the persons entitled to succeed to the deceased’s intestate estate or to claim legal rights or the prior rights of a surviving spouse or civil partner out of the estate, in satisfaction of that person’s entitlement or claim, shall require the consent of the landlord.”.
- (4) In subsection (9), in the definition of “agricultural lease”, for the words “Act of 1955” there is substituted “Crofters (Scotland) Act 1993 (or of any part of a croft if it is a part consisting of a right mentioned in section 3(4)(a) of that Act)”.