



# Crofting Reform etc. Act 2007

2007 asp 7

## PART 2

### CROFTS

#### 10 Division of croft

For section 9 of the 1993 Act (sub-division of croft), there is substituted—

##### “9 Division of croft

- (1) A crofter shall not divide his croft unless he obtains the consent of the Commission.
- (2) In the case of an application to divide a croft, the following special conditions apply for the purposes of section 58A(6)(b)(ii) of this Act—
  - (a) that the application is for the creation of more than two new crofts; or
  - (b) that the original croft is one created as a consequence of an earlier division (or sub-division).
- (3) Any division of a croft to which the Commission have given their consent under this section shall take effect when such details of that division as the Commission may require by virtue of section 41 of this Act are entered in the Register of Crofts.
- (4) After division, the rent payable for the new crofts shall be that agreed between the landlord and the tenant.
- (5) In the event that such agreement cannot be reached, the Land Court, on the application of the landlord or the tenant, shall have the power to determine the rent in accordance with subsections (3) and (4) of section 6 of this Act, the fees payable in connection with such an application being borne by the tenant.
- (6) In this section—
  - “division” means the division of a croft into two or more new crofts (“divide” being construed accordingly);
  - “original croft” means the croft which is the subject of an application for division; and

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*Status: This is the original version (as it was originally enacted).*

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“new crofts” mean each of the crofts created by the division of the original croft.”.