



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Miscellaneous and General Provisions

55 Service of notices **S**

- (1) Any notice for the purposes of this Act shall be in writing, and any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him or left at his proper address or sent to him by post.

[^{F1}(1A) A notice or other document is sent by post under this section if—

- (a) in the case of an individual, it is sent by registered post or the recorded delivery service, addressed to that person at that person's usual or last known address or, where the person has given an address for service, at the address so given;
- (b) in any other case, by sending it by registered post or the recorded delivery service, addressed to that person at the person's registered or principal office.]
- (2) Where any notice or other document is to be given to or served on a person as being the person having any interest in land and it is not practicable after reasonable inquiry to ascertain his name or address, the notice or document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it) and delivering the notice or document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

Textual Amendments

F1 S. 55(1A) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), [sch. 1 para. 2\(18\)](#) (with [ss. 40, 43\(2\)](#)); [S.S.I. 2007/269](#), art. 2, sch.

[^{F2}55A Public notification **S**

- (1) For the purposes of this Act, public notification shall be given by publishing or causing to be published a notice in appropriate form in one or more newspapers circulating in the district in which the croft or, as the case may be, common grazing to which the

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application relates (or in the case of public notification under section 50B(4)(a)(ii) the regulations relate) is situated.

- (2) A notice is in appropriate form if—
- (a) its form and content comply, or do so as far as is reasonably practicable, with the form and content specified by the Commission for an application of that type (or as the case may be for regulations under section 49(2)(g) of this Act); and
 - (b) it specifies—
 - (i) the purpose of the application to which it relates (or in the case of regulations the matters which are required to be set out in it by virtue of section 50B(4)(a)(i) of this Act);
 - (ii) a description of the croft land or, as the case may be, common grazing to which the application relates (or regulations relate); and
 - (iii) in the case of an application, the period during which, and manner in which, objections may be made.
- (3) Where, in accordance with the provisions of this Act, a person giving public notification is also required to serve notice on a landlord, tenant or occupier of croft land to which the application relates or, if applicable, on the owner of, or a crofter sharing in, the common grazing, such notice shall be in the form required by subsection (2) above.]

Textual Amendments

F2 S. 55A inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 35, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

56 Provisions as to entry and inspection. **S**

- (1) Any person authorised by the Secretary of State or the Commission in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred on the Secretary of State or the Commission by this Act [^{F3}or, in the case of the Commission, by the 2010 Act] are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.
- (2) Any person authorised as aforesaid who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.
- (3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid unless in the case of land being used for residential purposes 7 days, or in the case of any other land 24 hours, notice of the intended entry has been given to the occupier of the land.
- (4) Any person who obstructs any person authorised by the Secretary of State or the Commission exercising any such power as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a fine of an amount not exceeding level 1 on the standard scale.

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Textual Amendments

F3 Words in s. 56(1) inserted (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), sch. 4 para. 3(34) (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

Modifications etc. (not altering text)

C1 S. 56(2)-(4) applied (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), ss. 13(4), 57(2) (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2

57 Provisions as to compulsory purchase of land and as to management of land. **S**

- (1) Where by virtue of any provision of this Act the Secretary of State is deemed to be authorised to purchase land compulsorily, then in relation to any such compulsory purchase the Lands Clauses Acts and other enactments mentioned in Part I of Schedule 2 to the ^{M1}Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947, shall be incorporated in accordance with the provisions of the said Part I as if the Secretary of State had been authorised under section 1 of that Act to purchase the land compulsorily; and the ^{M2}Land Compensation (Scotland) Act 1963 shall have effect in relation to any such compulsory purchase subject to the provisions of Part II of that Schedule, of the proviso to section 23(9) of this Act and of subsection (2) below.
- (2) The power conferred by section 39 of the Land Compensation (Scotland) Act 1963 to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of section 23(9) or 39(9) or (10) of this Act.
- (3) The Secretary of State may manage, farm, sell, let or otherwise deal with or dispose of land acquired by him under this Act in such manner as appears to him expedient for the purpose for which it was acquired.

Marginal Citations

M1 1947 c. 42.
M2 1963 c.51.

58 Provisions as to representations. **S**

- (1) Any enactment in this Act providing, in relation to the taking of any action by the Secretary of State, for his taking the action after affording to a person an opportunity of making representations to the Secretary of State shall be construed as a provision that the Secretary of State shall comply with the following requirements.
- (2) The Secretary of State shall give notice to the said person specifying the matter under consideration and informing him of the effect of subsection (3) below.
- (3) A person to whom notice is given as aforesaid may within the time specified in the notice make representations to the Secretary of State in writing, and, whether or not representations are made to the Secretary of State in writing, may within the time so specified require that an opportunity be afforded to him of being heard by a person appointed by the Secretary of State for the purpose; and, if he so requires, such an opportunity shall be afforded to him and, on the same occasion, to any other person to whom under the enactment referred to in subsection (1) above the Secretary of State is

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required to afford such an opportunity, and the Secretary of State shall not take action in relation to the matter until he has considered any representations made as aforesaid.

- (4) Where any enactment in this Act provides in relation to the taking of any action by the Commission for their taking the action after affording to a person an opportunity of making representations to them, the provisions of this section shall have effect in relation thereto with the substitution for references to the Secretary of State of references to the Commission.

[^{F4}58A Obtaining Commission approval or consent S

- (1) Any requirement, under or by virtue of this Act, to obtain the approval or consent of the Commission, shall (subject to any express provision made by this Act in respect of any category of case) be complied with as follows.
- (2) The application for approval or consent must—
- (a) be in such form; and
 - (b) be accompanied by such documents and fee,
- as the Commission shall specify; and the Commission may make different provision for different categories of case.
- (3) [^{F5}Subject to subsection (5B),] The person making the application shall—
- (a) forthwith give public notification of it; and
 - (b) if he is not the landlord (or, where the land to which the application relates is, or is part of, a common grazing, not the owner) give written notification of it to the landlord (or to the owner).
- (4) Within 28 days after public notification of an application made in compliance with subsection (2) above—
- (a) the landlord (or where the land to which the application relates is, or is part of, a common grazing, the owner);
 - (b) any member of the crofting community in the locality of that land (including, where that land is, or is part of, a common grazing, the grazings committee or any crofter who shares in the grazing); ^{F6}...
 - (c) any other person if he is identified for the purposes of this subsection by the provision which imposes the requirement mentioned in subsection (1) above^{F7}; or
 - (d) any other person the Commission consider has a relevant interest in the application,]
- may submit to the Commission an objection as regards the application, being an objection of the description given in subsection (16) below.
- (5) The 28 days mentioned in subsection (4) above include the day on which the notification in question is given.

[Despite subsection (4), the Commission may accept an objection submitted after the ^{F8}(5A) end of the 28-day period if they consider there is a good reason why the objection is late.

- (5B) Where the application is an application for consent to divide a croft under section 9 made by an executor under section 10(4A)—
- (a) subsections (3) to (5A);
 - (b) in subsection (6), the words “When those 28 days have elapsed”;

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- (c) in subsection (12A), paragraph (b); and
 - (d) subsections (16) and (17),
- do not apply.]

(6) When those 28 days have elapsed the Commission [^{F9}must, subject to subsection (6A), decide the application by] —

- [^{F10}(a) granting it;
- (b) granting it subject to conditions; or
- (c) refusing it.]

[Where—

- ^{F11}(6A) (a) the application for consent to divide the croft is made by an executor under section 10(4A); and
- (b) it relates to a bequest of the tenancy of the part of the croft comprising the site of the dwelling-house on or pertaining to the croft to one natural person and the tenancy of the remaining part to one other such person,
- the Commission must grant the application (whether or not subject to conditions).]

^{F12}(7) In considering their decision on the application, the Commission must have regard to the following—

- (a) in the case of an application relating to a croft—
 - (i) whether any person is or will be ordinarily resident on, or within 32 kilometres of, the croft;
 - (ii) whether the croft is being or will be cultivated or put to such other purposeful use as is consented to under section 5C(4);
- (b) the interests of the estate which comprises the land to which the application relates;
- (c) the interests of the crofting community in the locality of that land;
- (d) the sustainable development of that crofting community;
- (e) the interests of the public at large;
- (f) any objections received under subsection (4) or (5A);
- (g) any plan of the Commission approved and published under section 2C;
- (h) any other matter which the Commission consider relevant.

^{F12}(8)

^{F12}(9)

^{F12}(10)

(11) Subject to any other provision of this Act as to procedure, the Commission may determine by such procedure and arrangements (including arrangements as to delegation and the powers and duties of persons delegated) as they consider appropriate whether or not to grant the approval or consent applied for [^{F13}or grant it subject to conditions] .

(12) Where the Commission grant the approval or consent applied for they shall enter the proposal or the matter consented to (and if and in so far as they think fit any information obtained by them by virtue of subsection (2) above and pertaining to that proposal or matter) in the Register of Crofts ^{F14}....

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[The Commission must, before the expiry of the period of 21 days beginning with the ^{F15}(12A) day on which the decision under subsection (6) is taken, give notice of that decision—

- (a) to the applicant;
- (b) to any person who objected under subsection (4) or (5A); and
- (c) where appropriate and in so far as not already given notice under paragraph (a) or (b), to—
 - (i) the crofter;
 - (ii) the owner-occupier crofter;
 - (iii) the landlord; and
 - (iv) as the case may be, the grazings committee.]

^{F16}(13)

^{F16}(14)

^{F16}(15)

(16) The description is that the objection is made in writing or in another form which, by reason of its having some permanency, is capable of being used for subsequent reference (as, for example, a recording made on audio or video tape).

(17) For the purposes of subsection (16) above (and without prejudice to the generality of that subsection), an objection is to be treated as made in writing where it is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.]

Textual Amendments

- F4** S. 58A inserted (28.1.2008) by virtue of [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 3, 43(3)** (with **ss. 40, 43(2)**); [S.S.I. 2007/568](#), **art. 2**
- F5** Words in s. 58A(3) inserted (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 48(2), 57(2)** (with **s. 57(4)**); [S.S.I. 2011/334](#), **art. 3**, **sch. Pt. 1** (with **art. 4**)
- F6** Word in s. 58A(4) repealed (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 48(3)(a), 57(2)** (with **s. 57(4)**); [S.S.I. 2011/334](#), **art. 3**, **sch. Pt. 1** (with **art. 4**)
- F7** S. 58A(4)(d) and word inserted (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 48(3)(b), 57(2)** (with **s. 57(4)**); [S.S.I. 2011/334](#), **art. 3**, **sch. Pt. 1** (with **art. 4**)
- F8** S. 58A(5A)(5B) inserted (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 48(4), 57(2)** (with **s. 57(4)**); [S.S.I. 2011/334](#), **art. 3**, **sch. Pt. 1** (with **art. 4**)
- F9** Words in s. 58A(6) inserted (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 48(5)(a), 57(2)** (with **s. 57(4)**); [S.S.I. 2011/334](#), **art. 3**, **sch. Pt. 1** (with **art. 4**)
- F10** **Ss. 58A(6)(a)-(c)** substituted for **s. 58A(6)(a)** (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 48(5)(b), 57(2)** (with **s. 57(4)**); [S.S.I. 2011/334](#), **art. 3**, **sch. Pt. 1** (with **art. 4**)
- F11** S. 58A(6A) inserted (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 48(6), 57(2)** (with **s. 57(4)**); [S.S.I. 2011/334](#), **art. 3**, **sch. Pt. 1** (with **art. 4**)
- F12** S. 58A(7) substituted for **s. 58A(7)-(10)** (1.10.2011 for specified purposes, 1.4.2012 in so far as not already in force) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 48(7), 57(2)** (with **s. 57(4)**); [S.S.I. 2011/334](#), **art. 3**, **sch. Pt. 1** (with **art. 4**); [S.S.I. 2011/334](#), **art. 3**, **sch. Pts. 2**, (with **arts. 4, 5(3)**)
- F13** Words in s. 58A(11) substituted (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 48(8), 57(2)** (with **s. 57(4)**); [S.S.I. 2011/334](#), **art. 3**, **sch. Pt. 1** (with **art. 4**)
- F14** Words in s. 58A(12) repealed (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **ss. 48(9), 57(2)** (with **s. 57(4)**); [S.S.I. 2011/334](#), **art. 3**, **sch. Pt. 1** (with **art. 4**)

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F15 S. 58A(12A) inserted (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), ss. 48(10), 57(2) (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

F16 Ss. 58A(13)-(15) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), ss. 48(11), 57(2) (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

Modifications etc. (not altering text)

C2 S. 58A applied by 1964 c. 41, s. 16A (as inserted (28.1.2008) by Crofting Reform etc. Act 2007 (asp 7), ss. 16, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/568, art. 2)

[^{F17}**58B Variation of conditions on approval or consent** **S**

- (1) This section applies where the Commission grant, subject to conditions, an application under section 58A for their approval or consent.
- (2) The Commission may, on an application to them by the person who applied for the approval or consent (the “original applicant”), modify the conditions imposed by—
 - (a) varying a condition;
 - (b) removing a condition;
 - (c) adding a condition,as they consider appropriate.
- (3) Where the Commission so modify conditions they must, before the expiry of the period of 14 days beginning with the day on which they do so, give notice of their decision to—
 - (a) the original applicant;
 - (b) any other person who was given written notification under section 58A(12A) of the decision to grant the approval or consent subject to conditions; and
 - (c) any other person the Commission consider has a relevant interest.
- (4) Subject to subsection (5), subsections (2) to (5A), (16) and (17) of section 58A apply to an application under subsection (2) of this section as they apply to an application under subsection (1) of that section.
- (5) Where the original applicant is an executor who applied under section 10(4A) for consent to divide a croft under section 9, subsections (3) to (5A), (16) and (17) do not apply.]

Textual Amendments

F17 S. 58B inserted (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), ss. 48(12), 57(2) (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

59 Financial provisions. **S**

- (1) The expenses of the Commission shall be defrayed by the Secretary of State.
- (2) All expenses incurred by the Secretary of State under the provisions of this Act shall be defrayed out of moneys provided by Parliament.
- (3) All sums received by the Secretary of State under the provisions of this Act shall be paid into the Consolidated Fund.

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[^{F18}59A Equal opportunities **S**

- (1) The Commission shall discharge their functions in a manner which encourages equal opportunities and, in particular, the observance of the equal opportunities requirements.
- (2) In subsection (1) above, “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998 (c. 46).]

Textual Amendments

F18 S. 59A inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 2, 43(3)** (with **ss. 40, 43(2)**); [S.S.I. 2007/269, art. 2, sch.](#)

[^{F19}60 Regulations and orders **S**

- (1) Any power conferred by this Act on the Scottish Ministers to make regulations or orders is exercisable by statutory instrument.
- (2) Subject to subsection (3), a statutory instrument containing such regulations or such an order is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (3) No statutory instrument containing—
 - (a) an order under—
 - (i) section 2A(1);
 - (ii) section 5B(6);
 - (iii) section 19C(8);
 - (iv) paragraph 3(6) of schedule 1;
 - (b) regulations under paragraph 7(1) of schedule 1,
 may be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.]

Textual Amendments

F19 S. 60 substituted (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **s. 57(2), sch. 4 para. 3(35)** (with **s. 57(4)**); [S.S.I. 2011/334, art. 3, sch. Pt. 1](#) (with **art. 4**)

61 Interpretation. **S**

- (1) In this Act, unless the context otherwise requires—
 - “the ^{M3}1955 Act” means the Crofters (Scotland) Act 1955;
 - “the ^{M4}1964 Act” means the Succession (Scotland) Act 1964;
 - [^{F20}“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997;]
 - [^{F21}“ the 2010 Act ” means the Crofting Reform (Scotland) Act 2010 (asp 14);]
 - “authority possessing compulsory purchase powers” has the same meaning as in the 1972 Act;
 - “the Commission” means the [^{F22}Crofting] Commission;

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- “cottar” has the meaning assigned by section 12(5) of this Act;
- [^{F23}“croft” —
- (a) in relation to a croft other than one registered in the Crofting Register, has the meaning given by section 3;
 - (b) in relation to a croft registered in that register, has the meaning given by section 3ZA(2)(a);
- “crofter” —
- (a) in relation to a croft other than one registered in the Crofting Register, has the meaning given by section 3;
 - (b) in relation to a croft registered in that register, has the meaning given by section 3ZA(2)(c);]

[^{F24}“crofting community” means all the persons who (either or both)—

 - (a) occupy crofts within a township which consists of two or more crofts registered with the Crofters Commission;
 - (b) hold shares in a common grazing associated with that township;]

“crofting counties” means the former counties of Argyll, Caithness, Inverness, Orkney, Ross and Cromarty, Sutherland and Zetland;

“croft land” has the meaning assigned to it by section 12(3) of this Act;

[^{F25}“cultivate” has the meaning given by section 5C(8);]

[^{F25}“date of registration” (other than in section 3) is to be construed in accordance with section 8(5) of the 2010 Act;]

“development” has the same meaning as in [^{F26}section 26 of the 1997 Act], except that it includes the operations and uses of land referred to in paragraphs (a) and (e) of subsection (2) of that section;

[^{F27}“enactment” includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament;]

[^{F28}“first registered croft” means a croft mentioned in section 5(2) of the 2010 Act;

“first registration”, in relation to an unregistered croft or unregistered owner-occupied croft, means the registration of the croft or owner-occupied croft in the Crofting Register;]

“fixed equipment” has the like meaning as in the ^{M5}Agricultural Holdings (Scotland) Act 1991;

“functions” includes powers and duties;

[^{F29}“Keeper” means the Keeper of the Registers of Scotland;]

“Land Court” means the Scottish Land Court;

“landlord” means—

 - (a) in relation to a croft [^{F30}other than one registered in the Crofting Register], any person for the time being entitled to receive the rents and profits, or to take possession of, the croft;
 - (aa) [^{F31}in the case of a croft registered in that register, the person for the time being entered in the registration schedule of the croft as the landlord of it;]
 - (b) in relation to the site of the dwelling-house on or pertaining to the subject of a cottar—
 - (i) where the cottar is the tenant of the subject, any person for the time being entitled to receive the rents and profits, or to take possession of the site, and

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(ii) where the cottar is the occupier of the subject who pays no rent, the owner thereof;

[^{F32}“ local authority ” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39);]

“National Trust for Scotland” means the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the ^{M6}National Trust for Scotland Order Confirmation Act 1935;

[^{F33}“ owner-occupied croft” and “owner-occupier's croft ” have the meanings given by section 19B(5);

“owner-occupier crofter” is to be construed in accordance with section 19B(1) to (4);]

“permanent improvement” shall be construed in accordance with section 30(7) of this Act;

“prescribed” means prescribed by regulations made by the Secretary of State;

“predecessors in the tenancy” means in relation to a crofter the persons who before him have been tenants of the croft since it was last vacant;

[^{F27}“ public notification ” has the meaning given by section 55A of this Act;]

[^{F34}“ purposeful use ” has the meaning given by section 5C(8);]

[^{F34}“ registered ”, in relation to a croft, an owner-occupied croft or a common grazing, means registered in the Crofting Register; and “unregistered” and other cognate expressions are to be construed accordingly;]

[^{F34}“ registration schedule ” means the registration schedule of the croft made up and maintained under section 11(1) of the 2010 Act;]

“statutory successor” means any person who under this Act has succeeded or may succeed to a croft whether as a person to whom the tenancy of the croft has been transferred in pursuance of section 16(2) of the 1964 Act or as the executor, heir-at-law, legatee or assignee of his immediate predecessor being a crofter in occupation of the croft;

“the site of the dwelling-house” has the meaning assigned to it by section 12(4) of this Act;

“Whitsunday” and “Martinmas” mean respectively 28th May and 28th November.

[^{F27}“ woodlands ” includes woodlands created by planned natural regeneration (as defined by section 50A(8) of this Act)]

(2) Any reference in this Act to a member of a person's or crofter's or former crofter's or deceased crofter's family is a reference to [^{F35}the individual in question's—

- (a) spouse or civil partner (or cohabitant provided that the individual has no spouse or civil partner and that the cohabitation has included cohabitation for at least two years in a dwelling-house on or pertaining to the croft);
- (b) sibling;
- (c) sibling's spouse or civil partner;
- (d) spouse's or civil partner's sibling;
- (e) father;
- (f) mother;
- (g) son;
- (h) daughter;

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- (i) son's or daughter's spouse or civil partner;
- (j) grandchild;
- (k) grandchild's spouse or civil partner;
- (l) aunt;
- (m) uncle;
- (n) nephew; or
- (o) niece.]

[^{F36}(3) In subsection (2)(a) above, and in the definition of “son” or “daughter” in subsection (4) below, the reference to an individual's cohabitant is to a person, whether or not of the same sex as the individual, who lives with the individual as if—

- (a) in a married relationship; or
- (b) in civil partnership.

(4) In subsection (2) above—

“sibling” includes a sibling by virtue only of adoption, marriage or civil partnership and a sibling of the half blood;

“son”, “daughter” or “grandchild” includes a person so related by virtue only of adoption, marriage or civil partnership; and

“son” or “daughter” includes a son, or as the case may be a daughter, of the individual's cohabitant provided that such son or daughter resides with the individual and that such residence has included residence for at least two years in a dwelling-house on or pertaining to the croft.]

Textual Amendments

- F20** Definition substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 55(3)(a)**.
- F21** Words in s. 61(1) inserted (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(a)** (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with art. 4)
- F22** Words in s. 61(1) substituted (1.4.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(b)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 2 (with art. 4)
- F23** Words in s. 61(1) substituted (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(c)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2
- F24** Words in s. 61(1) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 37, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F25** Words in s. 61(1) inserted (1.10.2011 for specified purposes) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(d)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F26** Words in s. 61(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 55(3)(b)**.
- F27** Words in s. 61(1) added (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(19)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F28** Words in s. 61(1) inserted (30.11.2012 for specified purposes, 30.11.2013 in force in so far as not already in force) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(e)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2; S.S.I. 2012/288, art. 3(1)(c)
- F29** Words in s. 61(1) inserted (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(f)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2
- F30** Words in s. 61(1) inserted (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(g)(i)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2
- F31** Words in s. 61(1) inserted (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(g)(ii)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2
- F32** Words in s. 61(1) inserted (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(h)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Cross Heading: Miscellaneous and General Provisions. (See end of Document for details)

- F33** Words in s. 61(1) inserted (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(i)** (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with art. 4)
- F34** Words in s. 61(1) inserted (1.10.2011 for specified purposes) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(j)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F35** Words in s. 61(2) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 36(a)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F36** S. 61(3)(4) added (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 36(b)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

Marginal Citations

- M3** 1955 c. 21.
M4 1964 c. 41.
M5 1991 c. 55.
M6 1935 c. iii.

62 Application of Act to Crown. S

This Act shall apply to land an interest in which belongs to Her Majesty in right of the Crown and land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, but in its application to any land an interest in which belongs or is held as aforesaid this Act shall have effect subject to such modifications as may be prescribed.

63 Transitional provisions and savings, and repeals. S

- (1) The transitional provisions and savings contained in Schedule 6 to this Act shall have effect.
- (2) The enactments—
- (a) specified in Part I of Schedule 7 to this Act so far as they apply in the crofting counties;
 - (b) specified in Part II of that Schedule,
- are hereby repealed to the extent specified in column 3 of that Schedule.

64 Short title, commencement and extent. S

- (1) This Act may be cited as the Crofters (Scotland) Act 1993.
- (2) Subject to section 28(17) of this Act, this Act shall come into operation on the expiration of 2 months commencing with the date on which it is passed.
- (3) This Act extends to Scotland only.

Changes to legislation:

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Cross
Heading: Miscellaneous and General Provisions.