



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Subletting of crofts

27 Provisions as to right to sublet.

- (1) Notwithstanding any enactment or rule of law, a crofter shall be entitled to sublet his croft [^{F1}, for a period not exceeding 10 years,] without the consent of the landlord of the croft.
- (2) A crofter shall not sublet his croft otherwise than with the consent in writing of the Commission and in accordance with such conditions (which shall not include conditions relating to rent) as the Commission in giving their consent may impose; and any sublease of his croft granted by a crofter otherwise than as aforesaid shall be null and void:

Provided that nothing in this subsection shall be construed as debarring a crofter from subletting any dwelling-house or other building forming part of his croft to holiday visitors.

^{F2}(3)

^{F3}(4)

- (5) The Commission may, in giving their consent to a proposed sublease of a croft, impose such conditions (other than any relating to rent) as they may think fit.

Textual Amendments

- F1** Words in s. 27(1) inserted (28.1.2008) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 11(1)(a)**, 43(3) (with **ss. 40, 43(2)**); S.S.I. 2007/568, art. 2
- F2** S. 27(3) repealed (1.10.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), s. 57(2), **sch. 4 para. 3(18)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F3** S. 27(3) substituted for s. 27(3)(4) (28.1.2008) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 11(1)(b)**, 43(3) (with **ss. 40, 43(2)**); S.S.I. 2007/568, **art. 2**

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Cross Heading: Subletting of crofts. (See end of Document for details)

PROSPECTIVE

F⁴28 Special provisions regarding subletting of crofts not adequately used.

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Textual Amendments

F4 S. 28 repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 11(2), 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

29 Miscellaneous provisions regarding subleases of crofts.

(1) Subject to subsection (2) below, the subtenant under a sublease of a croft shall not be held to be

[^{F5}(a) a crofter; or

(b) the tenant under a lease constituting a 1991 Act tenancy within the meaning of the Agricultural Holdings (Scotland) Act 2003 (asp 11) or under a lease constituting a short limited duration tenancy[^{F6}, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy] (within the meaning of that Act).]

(2) Where under a sublease of any croft a right in any common grazing is let to the subtenant, and the sublease is one which-

(a) has been intimated to the Commission under section 11(1)(a) or (b) of the ^{M1}Crofters (Scotland) Act 1961; or

(b) has been granted by the crofter with the consent of the Commission and in accordance with any conditions imposed by them, as mentioned in section 27(2) of this Act, or

(c) has been granted by the crofter in accordance with proposals submitted to the Commission under section 28(4) of this Act and approved by them, or

(d) has been granted under section 28(7) of this Act by the Commission,

the subtenant shall come in place of the crofter in relation to any matter which concerns such right, and any grazings regulations applicable to such common grazing shall apply to the subtenant accordingly.

[^{F7}(2A) The conditions of let must specify that the crofter shall give the subtenant not less than 6 months written notice of any intention to assign, exchange or divide the croft and that the sublease shall come to an end on such assignation, exchange or division.]

(3) Where the tenancy of a croft is terminated, any sublease of that croft subsisting immediately before the date of such termination shall come to an end on that date:

Provided that where a sublease comes to an end by virtue of the foregoing provisions of this subsection the Commission may, on an application in that behalf made to them by the subtenant within one month or such longer period not exceeding 3 months as the Commission may in all the circumstances think reasonable from the date on which the sublease came to an end as aforesaid, make an order permitting the subtenant to remain in occupation of the croft for such period, not exceeding one year from the said date, and subject to such conditions, as may be specified in the order; and no

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proceedings for the removal of the subtenant from the croft shall be taken by the owner of the croft before the expiry of the said period of one month or the said longer period or, if an application is made under this subsection to the Commission by the subtenant within that period, before the date of the determination of the Commission on such application.

[^{F8}(3A) Where the tenancy of a croft is terminated by virtue of the death of the crofter, the Commission shall, as part of their consideration in determining whether to make an order under the proviso to subsection (3) above and if so what period of occupation to permit—

- (a) consult the deceased crofter's executor; and
- (b) have regard in particular to such hardship as might, according to what they decide, be occasioned—
 - (i) the former subtenant; or
 - (ii) an assignee or transferee of the interest of tenant,]

(4) In this section and in sections 27 and 28 of this Act any reference to a croft shall include a reference to a part of a croft.

Textual Amendments

- F5** S. 29(1)(a)(b) substituted for words (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), **sch. para. 49(a)** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with sch.)
- F6** Words in s. 29(1)(b) substituted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), **sch. 2 para. 4(3)** (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 9)
- F7** S. 29(2A) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 11(3)(a)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F8** S. 29(3A) inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 11(3)(b)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

Marginal Citations

- M1** 1961 c. 58.

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