



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

### *[<sup>F1</sup>Owner-occupied crofts: duties of certain owners*

#### **[<sup>F1</sup>19C Duties of owner-occupier crofters**

- (1) An owner-occupier crofter must comply with each of the duties set out in subsection (2).
- (2) Those duties are that the owner-occupier crofter—
  - (a) must be ordinarily resident on, or within 32 kilometres of, the owner-occupier's croft;
  - (b) must not misuse or neglect the croft;
  - (c) must—
    - (i) cultivate the croft; or
    - (ii) put it to another purposeful use,so that every part of the croft which is capable of being cultivated or put to another purposeful use either is cultivated or is put to such use;
  - (d) must keep the croft in a fit state for cultivation (except in so far as the use of the croft for another purposeful use is incompatible with the croft being kept in such a state).
- (3) For the purposes of subsection (2)(b), an owner-occupier crofter misuses an owner-occupied croft where the owner-occupier crofter—
  - (a) wilfully and knowingly uses it otherwise than for the purpose of its being cultivated or put to another purposeful use;
  - (b) fails to use the croft for the purpose of its being cultivated; or
  - (c) fails to put the croft to any such purposeful use.
- (4) For the purposes of subsection (2)(b), an owner-occupier crofter neglects an owner-occupied croft where the croft is not managed so as to meet the standards of good agricultural and environmental condition referred to in regulation 4 of, and the schedule to, the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004 (SSI 2004 No. 518).

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*Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 19C. (See end of Document for details)*

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- (5) Without prejudice to the generality of paragraph (d) of subsection (2), in determining whether that paragraph is complied with, regard is to be had to whether appropriate measures (which may include the provision of drainage) are routinely undertaken, where requisite and practicable, to control or eradicate vermin, bracken, whins, broom, rushes and harmful weeds.
- (6) But where the owner-occupier crofter, in a planned and managed manner, engages in, or refrains from, an activity for the purpose of conserving—
- (a) the natural beauty of the locality of the owner-occupied croft; or
  - (b) the flora and fauna of that locality,
- the owner-occupier crofter's so engaging or refraining is not, for the purposes of subsection (2)(b), to be treated as misuse or neglect as respects the croft.
- (7) If, immediately before the coming into force of section 34 of the Crofting Reform (Scotland) Act 2010 (asp 14), the owner-occupied croft was being used for a subsidiary or auxiliary occupation by virtue of the right conferred by paragraph 3 of schedule 2 to this Act (as that paragraph applied immediately before the coming into force of section 7 of the Crofting Reform etc. Act 2007 (asp 7)), any continuation of use for that occupation is not, for the purposes of subsection (2)(b), to be treated as misuse or neglect as respects the croft.
- (8) The Scottish Ministers may, by order, amend the meaning of neglect in subsection (4) so as to substitute different standards for those for the time being mentioned in that subsection.]

#### Textual Amendments

- F1** Ss. 19B-19D and cross-heading inserted (22.12.2010 for the insertion of s. 19B for specified purposes, 1.10.2011 for the insertion of s. 19B otherwise and ss. 19C, 19D(1)(2)(6)(7)(8), 30.11.2012 for the insertion of s. 19D(4)(5)) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), [ss. 34, 57\(2\)](#) (with [s. 57\(4\)](#)); [S.S.I. 2010/437](#), [art. 3](#), [sch.](#) (with [art. 4](#)); [S.S.I. 2011/334](#), [art. 3](#), [Sch. Pt. 1](#) (with [art. 4](#), [art. 5\(2\)\(3\)](#)); [S.S.I. 2012/288](#), [art. 3\(1\)\(b\)\(2\)](#), [Sch. 1 Pt. 2](#), (with [Sch. 2 para. 1\(q\), 4\(2\)](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 19C.