



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

### *Meaning of croft and crofter*

#### **3 Meaning of croft and crofter.**

- (1) Subject to subsection (2) below [<sup>F1</sup>and to section 3ZA(2)(a)] , in this Act “croft” means—
- (a) as from 1st October 1955, every holding (whether occupied by a landholder or not) situated in the crofting counties to which any of the provisions of the Small Landholders (Scotland) Acts 1886 to 1931 relating to landholders applied;
  - (b) as from 1st October 1955, every holding situated as aforesaid to which section 32 of the <sup>M1</sup>Small Landholders (Scotland) Act 1911 applied (statutory small tenants);
  - (c) as from the date of registration, every holding situated as aforesaid which was constituted a croft by the registration of the tenant thereof as a crofter in the Crofters Holdings Book under section 4 of the 1955 Act;
- [<sup>F2</sup>(cc) as from the date of registration, every holding situated—
- (i) as aforesaid; or
  - (ii) as is mentioned in subsection (1)(b) of section 3A of this Act, and registered by virtue of an application under that section;
- (cd) as from the date of reversion, every holding reverting under section 20(1B), or by virtue of section 21A(1), of this Act;]
- (d) as from the date of the direction, every holding situated [<sup>F3</sup>in the crofting counties] which was constituted a croft by a direction of the Secretary of State under section 2(1) of the 1961 Act;
  - (e) as from the date of entry, every holding entered in the register of crofts by the Commission in accordance with their decision under section 15(4) of the 1955 Act where—
    - (i) the decision was notified to the landlord and the tenant of the holding;and

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*Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 3. (See end of Document for details)*

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- (ii) neither the landlord nor the tenant successfully challenged the decision on an application for a declarator as to the status of the tenant made to the Land Court within 2 months of the giving of such notification.
- [<sup>F4</sup>(f) as from the relevant commencement date, every holding—
- (i) entered in the Register of Crofts on that date which has been so entered for a continuous period of at least twenty years ending with that date; and
  - (ii) in respect of which no application or reference seeking a declaration or order that the holding is not a croft is on that date pending before any court;
- (g) as from the date twenty years after registration, every holding—
- (i) entered in the Register of Crofts for a continuous period of twenty years ending after the relevant commencement date; and
  - (ii) in respect of which no application or reference seeking a declaration or order that the holding is not a croft is at the end of that period pending before any court]

[<sup>F5</sup>(1A) In paragraphs (f) and (g) of subsection (1) above, “the relevant commencement date” is the date on which section 21 of the Crofting Reform etc. Act 2007 (asp 7) comes into force.]

(2) Subsection (1) above is without prejudice to the effect of—

    - (a) section 24(1) of this Act and the corresponding provision of the 1955 Act which is repealed by this Act (that is to say section 12(4));
    - (b) a direction under section 24(2) or (3) [<sup>F6</sup>or 24B(1)] of this Act and the corresponding provisions of the 1955 Act which are repealed by this Act (that is to say section 16(7) or (9)).

(3) [<sup>F7</sup>Subject to section 3ZA(2)(c),] In this Act “crofter” means the tenant of a croft.

(4) For the purposes of this Act—

    - (a) any right in pasture or grazing land held or to be held by the tenant of a croft, whether alone or in common with others, and
    - (b) any land comprising any part of a common grazing which has been apportioned for the exclusive use of a crofter under section 52(4) of this Act, and,
    - (c) any land held runrig which has been apportioned under section 52(8) of this Act,

shall be deemed to form part of the croft.

(5) For the purposes of this Act, where—

    - (a) a crofter has acquired his entire croft other than any such right or land as is referred to in subsection (4) above; or
    - (b) any person, not being a crofter, has obtained an apportionment of any land under section 52 of this Act,

then the person referred to in paragraph (a) or (b) above shall be deemed to hold the right or land referred to therein in tenancy until held otherwise and that right or land shall be deemed to be a croft.

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#### Textual Amendments

- F1** Words in s. 3(1) inserted (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), **ss. 22(1)(a), 57(2)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2
- F2** S. 3(1)(cc)(cd) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 21(a)(i), 43(3)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F3** Words in s. 3(1)(d) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 21(a)(ii), 43(3)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F4** S. 3(1)(f)(g) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 21(a)(iii), 43(3)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F5** S. 3(1A) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 21(b), 43(3)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F6** Words in s. 3(2)(b) inserted (retrospective to 1.10.2011) by Crofting (Amendment) (Scotland) Act 2013 (asp 10), ss. 3, 6, **sch. para. 1(2)**
- F7** Words in s. 3(3) inserted (30.11.2012) by Crofting Reform (Scotland) Act 2010 (asp 14), **ss. 22(1)(b), 57(2)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(b)(2), sch. 1 Pt. 2

#### Marginal Citations

- M1** 1911 c. 49.

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**Changes to legislation:**

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 3.