



Crofters (Scotland) Act 1993

1993 CHAPTER 44

The conditions of tenure

5 **The statutory conditions.** **S**

(1) Every tenancy of a croft shall be subject to the conditions set out in Schedule 2 to this Act (in this Act referred to as “the statutory conditions”).

^{F1}(1A)

(2) A crofter shall not be subject to be removed from the croft of which he is tenant except—

- (a) where one year’s rent of the croft is unpaid;
- (b) in consequence of the breach of one or more of the statutory conditions, other than the condition as to payment of rent; or
- (c) in pursuance of any enactment, including any enactment contained in this Act.

^{F2}(2A)

^{F3}(2B)

^{F4}(3) Any contract or agreement made by a crofter by virtue of which he is deprived of any right conferred on him by—

- (a) a provision of this Act not mentioned in paragraph (b) below, shall to that extent be void unless the contract or agreement is approved by the Land Court;
- (b) any of sections 8, 12 to 19, 21 and 37 of this Act, may be intimated to the Commission by a party to the agreement (the intimation being in such form as the Commission may specify and there being provided to the Commission, along with the intimation, a copy of the contract or agreement).

(4) On giving approval under subsection (3)(a) above, the Land Court shall intimate to the Commission that it has done so and provide them with a copy of the contract or agreement.

(5) On receiving a copy, provided under subsection (3)(b) or (4) above, of a contract or agreement the Commission shall enter the copy in the Register of Crofts.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 5. (See end of Document for details)

(6) Where a copy is so entered then, subject to the terms of the contract or agreement, the deprivation in question is binding on the successors to the crofter's interest.

^{F5}(7)

^{F5}(8)

^{F5}(9)

^{F5}(10)]

Textual Amendments

- F1** S. 5(1A) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(6)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F2** S. 5(2A) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(6)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F3** S. 5(2B) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(6)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F4** S. 5(3)-(10) substituted for s. 5(3) (25.6.2007 for specified purposes, 28.1.2008 in force in so far as not already in force) by Crofting Reform etc. Act 2007 (asp 7), **ss. 7(1)(c), 43(3)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.; S.S.I. 2007/568, art. 2
- F5** S. 5(7)-(10) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(6)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

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There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 5.