



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

*[<sup>F1</sup><sup>F1</sup>Crofters' duties relating to residency, use, misuse and neglect of crofts]]*

**[<sup>F1</sup>6 Rent. S**

- (1) The rent payable by a crofter as one of the statutory conditions shall be the yearly rent, including money and any prestations other than money, payable for the year current at the commencement of this Act or, in the case of a croft let after the commencement of this Act, fixed at the date of the letting, unless and until that rent is altered in accordance with the provisions of this Act.
- (2) The rent may be altered by agreement in writing between the landlord and the crofter to such amount and for such period as may be so agreed; and thereupon the rent so agreed shall be the rent payable by the crofter so long as the agreement subsists and thereafter so long as—
  - (a) no new agreement between the landlord and the crofter shall have been made; or
  - (b) no different rent shall have been fixed by the Land Court under this Act.
- (3) The Land Court may, on the application of the crofter or the landlord, determine what is a fair rent to be paid by the crofter to the landlord for the croft [<sup>F2</sup>or for any part of the croft] , and may pronounce an order accordingly; and the rent so fixed by the Land Court shall be the rent payable by the crofter as from the first term of Whitsunday or Martinmas next succeeding the decision of the Land Court:

Provided that—

- (a) where the rent payable for the croft [<sup>F3</sup>or for any part of the croft] has been fixed by the Land Court it shall not be altered, except by mutual agreement between the crofter and the landlord, for a period of 7 years from the term at which it first became payable; and
- (b) where a croft is let after the commencement of this Act, the rent [<sup>F4</sup>for it or for any part of it] shall not be altered by the Land Court for a period of 7 years from the term at which it first became payable or for such longer period as may have been agreed upon between the crofter and the landlord.

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*Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 6. (See end of Document for details)*

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[ The proviso to subsection (3) above does not have the consequence that a <sup>F5</sup>(3A) determination which is not to take effect during any period mentioned in that proviso cannot competently be made under that subsection during that period.]

- (4) Before determining what is a fair rent for a croft [<sup>F6</sup>or for any part of a croft] , the Land Court shall hear the parties and shall take into consideration all the circumstances of the case, of the croft and of the district, and in particular shall take into consideration any permanent or unexhausted improvements on the croft and suitable thereto which have been executed or paid for by the crofter or his predecessors in the tenancy.]

#### Textual Amendments

- F1** S. 5AA and cross-heading inserted (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), **ss. 33(2), 57(2)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F2** Words in s. 6(3) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(4)(a)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F3** Words in s. 6(3) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(4)(a)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F4** Words in s. 6(3) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(4)(a)(iii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F5** S. 6(3A) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(4)(b)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F6** Words in s. 6(4) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(4)(c)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 6.