



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Miscellaneous and General Provisions

61 Interpretation.

(1) In this Act, unless the context otherwise requires—

“the ^{M1}1955 Act” means the Crofters (Scotland) Act 1955;

“the ^{M2}1964 Act” means the Succession (Scotland) Act 1964;

[^{F1}“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997;]

[^{F2}“the 2010 Act” means the Crofting Reform (Scotland) Act 2010 (asp 14);]

“authority possessing compulsory purchase powers” has the same meaning as in the 1972 Act;

“the Commission” means the Crofters Commission;

“cottar” has the meaning assigned by section 12(5) of this Act;

“croft” and “crofter” have the meanings assigned to them respectively by section 3 of this Act;

[^{F3}“crofting community” means all the persons who (either or both)—

(a) occupy crofts within a township which consists of two or more crofts registered with the Crofters Commission;

(b) hold shares in a common grazing associated with that township;]

“crofting counties” means the former counties of Argyll, Caithness, Inverness, Orkney, Ross and Cromarty, Sutherland and Zetland;

“croft land” has the meaning assigned to it by section 12(3) of this Act;

“development” has the same meaning as in [^{F4}section 26 of the 1997 Act], except that it includes the operations and uses of land referred to in paragraphs (a) and (e) of subsection (2) of that section;

[^{F5}“enactment” includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament;]

“fixed equipment” has the like meaning as in the ^{M3}Agricultural Holdings (Scotland) Act 1991;

Status: Point in time view as at 01/02/2011. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 61. (See end of Document for details)

“functions” includes powers and duties;

“Land Court” means the Scottish Land Court;

“landlord” means—

- (a) in relation to a croft, any person for the time being entitled to receive the rents and profits, or to take possession of, the croft;
- (b) in relation to the site of the dwelling-house on or pertaining to the subject of a cottar—
 - (i) where the cottar is the tenant of the subject, any person for the time being entitled to receive the rents and profits, or to take possession of the site, and
 - (ii) where the cottar is the occupier of the subject who pays no rent, the owner thereof;

“National Trust for Scotland” means the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the^{M4}National Trust for Scotland Order Confirmation Act 1935;

[^{F6}“ owner-occupied croft” and “owner-occupier's croft ” have the meanings given by section 19B(5);

“owner-occupier crofter” is to be construed in accordance with section 19B(1) to (4);]

“permanent improvement” shall be construed in accordance with section 30(7) of this Act;

“prescribed” means prescribed by regulations made by the Secretary of State;

“predecessors in the tenancy” means in relation to a crofter the persons who before him have been tenants of the croft since it was last vacant;

[^{F5}“ public notification ” has the meaning given by section 55A of this Act;]

“statutory successor” means any person who under this Act has succeeded or may succeed to a croft whether as a person to whom the tenancy of the croft has been transferred in pursuance of section 16(2) of the 1964 Act or as the executor, heir-at-law, legatee or assignee of his immediate predecessor being a crofter in occupation of the croft;

“the site of the dwelling-house” has the meaning assigned to it by section 12(4) of this Act;

“Whitsunday” and “Martinmas” mean respectively 28th May and 28th November.

[^{F5}“ woodlands ” includes woodlands created by planned natural regeneration (as defined by section 50A(8) of this Act)]

(2) Any reference in this Act to a member of a person’s or crofter’s or former crofter’s or deceased crofter’s family is a reference to [^{F7}the individual in question’s—

- (a) spouse or civil partner (or cohabitant provided that the individual has no spouse or civil partner and that the cohabitation has included cohabitation for at least two years in a dwelling-house on or pertaining to the croft);
- (b) sibling;
- (c) sibling's spouse or civil partner;
- (d) spouse's or civil partner's sibling;
- (e) father;
- (f) mother;
- (g) son;

Status: Point in time view as at 01/02/2011. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 61. (See end of Document for details)

- (h) daughter;
- (i) son's or daughter's spouse or civil partner;
- (j) grandchild;
- (k) grandchild's spouse or civil partner;
- (l) aunt;
- (m) uncle;
- (n) nephew; or
- (o) niece.]

[^{F8}(3) In subsection (2)(a) above, and in the definition of “son” or “daughter” in subsection (4) below, the reference to an individual's cohabitant is to a person, whether or not of the same sex as the individual, who lives with the individual as if—

- (a) in a married relationship; or
- (b) in civil partnership.

(4) In subsection (2) above—

“sibling” includes a sibling by virtue only of adoption, marriage or civil partnership and a sibling of the half blood;

“son”, “daughter” or “grandchild” includes a person so related by virtue only of adoption, marriage or civil partnership; and

“son” or “daughter” includes a son, or as the case may be a daughter, of the individual's cohabitant provided that such son or daughter resides with the individual and that such residence has included residence for at least two years in a dwelling-house on or pertaining to the croft.]

Textual Amendments

- F1** Definition substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 55(3)(a)**.
- F2** Words in s. 61(1) inserted (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(a)** (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with art. 4)
- F3** Words in s. 61(1) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 37, 43(3)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F4** Words in s. 61(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 55(3)(b)**.
- F5** Words in s. 61(1) added (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(19)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F6** Words in s. 61(1) inserted (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(36)(i)** (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with art. 4)
- F7** Words in s. 61(2) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 36(a), 43(3)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F8** S. 61(3)(4) added (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 36(b), 43(3)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

Marginal Citations

- M1** 1955 c. 21.
- M2** 1964 c. 41.
- M3** 1991 c. 55.
- M4** 1935 c. iii.

Status:

Point in time view as at 01/02/2011. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 61.