



Crofters (Scotland) Act 1961

1961 CHAPTER 58

13 Miscellaneous provisions regarding subleases of crofts

- (1) Subject to the provisions of the next following subsection, the subtenant under a sublease of a croft shall not be held to be a crofter or to be the tenant of an agricultural holding within the meaning of the Agricultural Holdings (Scotland) Act, 1949.
- (2) Where under a sublease of any croft a right in any common grazing is let to the subtenant, and the sublease is one which—
 - (a) has been intimated to the Commission under paragraph (a) or (b) of subsection (1) of section eleven of this Act, or
 - (b) has been granted by the crofter with the consent of the Commission and in accordance with any conditions imposed by them, as mentioned in subsection (3) of section eleven of this Act, or
 - (c) has been granted by the crofter in accordance with proposals submitted to the Commission under subsection (4) of the last foregoing section and approved by them, or
 - (d) has been granted under subsection (7) of the last foregoing section by the Commission,

the subtenant shall come in place of the crofter in relation to any matter which concerns such right, and any grazings regulations applicable to such common grazing shall apply to the subtenant accordingly.

- (3) Where the tenancy of a croft is terminated, any sublease of that croft subsisting immediately before the date of such termination shall come to an end on that date:

Provided that where a sublease comes to an end by virtue of the foregoing provisions of this subsection the Commission may, on an application in that behalf made to them by the subtenant within one month from the date on which the sublease came to an end as aforesaid, make an order permitting the subtenant to remain in occupation of the croft for such period, not exceeding one year from the said date, and subject to such conditions, as may be specified in the order; and no proceedings for the removal of the subtenant from the croft shall be taken by the owner of the croft before the expiry of the said period of one month or, if an application is made under this subsection to the

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Commission by the subtenant within that period, before the date of the determination of the Commission on such application.

- (4) In this and the last two foregoing sections any reference to a croft shall include a reference to a part of a croft.