

# **CROFTING REFORM ETC. ACT 2007**

---

## **EXPLANATORY NOTES**

### **BACKGROUND**

#### *The Act*

#### **Part 2: Crofts**

#### *Section 11: Subletting*

43. **Section 11** modifies the provisions of sections 27 and 29 of the 1993 Act and repeals section 28 of that Act. The main changes to section 27 are to alter subsection (1) to provide that the maximum duration of a sublet shall be for a period not exceeding 10 years and to replace subsections (3) and (4) with a new subsection (3) which provides the special conditions which will apply when the consent of the Commission is required in terms of new section 58A of the 1993 Act (inserted by section 3 of the Act).
44. **Section 11(2)** repeals section 28 of the 1993 Act, a provision which, had it ever been commenced, would have given the Commission power to impose a sub-tenant on a crofter.
45. **Section 11(3)** amends section 29 of the 1993 Act by inserting new subsections (2A) and (3A). New subsection (2A) provides that it would be a condition of any sublease that the croft tenant must give the subtenant not less than 6 months written notice of an intention by the tenant to assign, exchange or divide the croft and thereby terminate the sublease. New subsection (3A) makes specific provision in relation to the continuation in occupation by the sub-tenant on the death of the crofter.