



# Crofting Reform (Scotland) Act 2010

## 2010 asp 14

### PART 4

#### FURTHER AMENDMENTS OF THE 1993 ACT

##### *Disposal of croft land, resumption and decrofting*

#### **40 Limitation on crofter's ability to nominate donee**

In section 13 of the 1993 Act (authorisation of the Land Court of acquisition of croft land), after subsection (1) insert—

“(1A) For the purposes of subsection (1)(a), only a member of the crofter's family may be the crofter's nominee.”.

#### **41 Extension of period during which sum is payable on disposal of croft land**

In section 14(3) of the 1993 Act (consideration payable in respect of disposal of croft land), for “five” substitute “ten”.

#### **42 Consideration of application to resume croft**

After subsection (1A) of section 20 of the 1993 Act (resumption of croft or part of croft by landlord) insert—

“(1AA) In determining whether it is satisfied as mentioned in subsection (1) above (and, in particular, whether the reasonable purpose mentioned there relates to the public interest) the Land Court—

- (a) may take into account the effect that purpose (whether alone or in conjunction with other considerations) would have on the matters mentioned in subsection (1AC) below; and
- (b) where the purpose is, or is connected with, the development of the croft in respect of which planning permission subsists, may take into account the effect such development would have on the croft, the estate and the crofting community in the locality of the croft,

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*Status: This is the original version (as it was originally enacted).*

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and must authorise, or refuse to authorise, the resumption of the croft by the landlord accordingly.

(1AB) Subsection (1AA) above is without prejudice to subsection (1D) below.

(1AC) The matters mentioned in subsection (1AA)(a) above are—

- (a) the sustainability of—
  - (i) crofting in the locality of the croft or such other area in which crofting is carried on as appears to the Land Court to be relevant;
  - (ii) the crofting community in that locality or the communities in such an area;
  - (iii) the landscape of that locality or such an area;
  - (iv) the environment of that locality or such an area;
- (b) the social and cultural benefits associated with crofting.

(1AD) In subsection (1AA) above—

“development” has the meaning given by section 26 of the Town and Country Planning (Scotland) Act 1997 (c.8);  
 “planning permission” is to be construed in accordance with Part 3 of that Act;  
 “effect” includes both a positive and negative effect.”.

### **43 Consideration of decrofting directions**

After subsection (1) of section 25 of the 1993 Act (provisions supplementary to section 24(3)) insert—

“(1A) In determining whether they are satisfied as mentioned in subsection (1)(a) above (and, in particular, whether the reasonable purpose mentioned there relates to the public interest), the Commission—

- (a) may take into account the effect that purpose (whether alone or in conjunction with other considerations) would have on the matters mentioned in subsection (1B) below; and
- (b) where the purpose is, or is connected with, the development of the croft in respect of which planning permission subsists, may take into account the effect such development would have on the croft, the estate and the crofting community in the locality of the croft,

and must give the direction, or refuse to grant the application for it, accordingly.

(1B) The matters mentioned in subsection (1A)(a) above are—

- (a) the sustainability of—
  - (i) crofting in the locality of the croft or such other area in which crofting is carried on as appears to the Commission to be relevant;
  - (ii) the crofting community in that locality or the communities in such an area;
  - (iii) the landscape of that locality or such an area;
  - (iv) the environment of that locality or such an area;
- (b) the social and cultural benefits associated with crofting.

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*Status: This is the original version (as it was originally enacted).*

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(1C) In subsection (1A) above—

“development” has the meaning given by section 26 of the Town and Country Planning (Scotland) Act 1997 (c.8);

“planning permission” is to be construed in accordance with Part 3 of that Act;

“effect” includes both a positive and negative effect.”.