



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Financial assistance to crofters, cottars and certain owner- occupiers etc

42 Crofters.

(1) For the purpose of [^{F1}supporting any reasonable use which promotes the sustainable development of] crofts, the Secretary of State may, after consultation with the Commission ^{F2}..., make schemes for providing grants ^{F2}... to crofters.

[^{F3}(1A) Such schemes shall specify criteria for determining who shall be eligible for grants payable under those schemes (as for example, the occupier's income, or the rental or agricultural value or extent of his croft); and different schemes may specify different criteria.]

(2) Any scheme under subsection (1) above may—

- (a) provide for the administration, through the agency of the Commission, of the grants ^{F4}... payable thereunder;
- (b) make provision enabling the [^{F5}Scottish Ministers, or the Commission on behalf of the Ministers,] to recover the grant ^{F6}... in such circumstances and from such person as may be specified in the scheme;
- (c) provide that, where the grant ^{F7}... is being given in respect of a common grazing and a grazings committee or a grazings constable has been appointed under section 47 of this Act, the Secretary of State shall pay the grant ^{F7}... to the clerk of the grazings committee or the constable for the benefit of the crofters concerned.

(3) Any scheme under subsection (1) above shall be embodied in a statutory instrument which shall be laid before Parliament after being made, and any such scheme may be varied or revoked by a subsequent scheme made in the like manner.

(4) [^{F8}Without prejudice to subsection (1) above,] The Secretary of State may, in accordance with arrangements made by him ^{F9}..., provide assistance by way of grants ^{F9}... towards the erection or improvement or rebuilding of dwelling-houses and other buildings for crofters or towards the provision or improvement of roads, or water or electricity or gas supplies.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Cross Heading: Financial assistance to crofters, cottars and certain owner- occupiers etc. (See end of Document for details)

^{F10}(5)

- (6) Regulations shall be made by the Secretary of State—
- (a) for securing that, where a grant has been made towards the erection, improvement or rebuilding of a dwelling-house or other building, conditions with respect to the occupation and maintenance thereof shall apply thereto for such period from the completion of the work (not being longer than 40 years) as may be specified in the regulations;
 - (b) for securing that in the event of a breach of any of the conditions the [^{F11}Scottish Ministers, or the Commission on behalf of the Ministers,] may recover from such person as may be specified in the regulations a sum bearing the same proportion to the grant made as the period between the date of the breach of the condition and the expiration of the period specified under paragraph (a) above bears to the last mentioned period, together with interest on such sum from the date on which the grant was made at such a rate as may be specified in the regulations;
 - (c) for providing that the conditions applied by the regulations to a dwelling-house or building shall cease to apply on payment to the [^{F12}Scottish Ministers, or to the Commission on behalf of the Ministers,] by such person as may be specified in the regulations of such amount as may be so specified;
 - (d) for securing that, where any conditions apply to a dwelling-house or building by virtue of the regulations, the Secretary of State shall cause to be recorded in the Register of Sasines or, as the case may be, registered in the Land Register of Scotland a notice in a form prescribed by the regulations specifying the conditions which by virtue of the regulations apply to the dwelling-house or building; and that, where such conditions cease so to apply by virtue of such a payment ^{F13}... as is referred to in paragraph (c) above, the Secretary of State shall cause to be so recorded or registered a notice in a form prescribed as aforesaid stating that the conditions no longer apply to the dwelling-house or building;
 - (e) for such other incidental and supplementary matters as appear to the Secretary of State to be requisite or expedient for the purposes aforesaid.
- (7) The Secretary of State may make regulations providing that the conditions applied to any dwelling-house by regulations made under subsection (6) above shall not apply to such dwelling-house in such circumstances and to such extent as may be specified in the regulations made under this subsection.
- (8) No [^{F14}grant under subsection (1) above, nor assistance under subsection (4) above, shall be given towards carrying out any works] if assistance out of public money by way of grant or subsidy has been given under any other enactment towards the works in question.
- (9) A person shall not be disqualified for receiving [^{F15}a grant under subsection (1) above nor] assistance under subsection (4) above by reason only that, after he has applied for and the Secretary of State has undertaken to provide such assistance, he has become the owner of the croft in respect of which the application was made.
- ^{F16}(9A) Any scheme under subsection (1) above or arrangements under subsection (4) above may provide that a person's economic status is a criterion for eligibility for grants payable under that scheme or those arrangements.]

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Cross Heading: Financial assistance to crofters, cottars and certain owner- occupiers etc. (See end of Document for details)

- (10) If any person, for the purpose of obtaining for himself or any other person a grant ^{F17}... under a scheme made under subsection (1) above or under ^{F18}arrangements made unde] subsection (4) above, knowingly or recklessly makes a false statement he shall be guilty of an offence and shall be liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

Textual Amendments

- F1** Words in s. 42(1) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(a)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F2** Words in s. 42(1) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(a)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F3** S. 42(1A) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(b)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F4** Words in s. 42(2)(a) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(c)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F5** Words in s. 42(2)(b) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(c)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F6** Words in s. 42(2)(b) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(c)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F7** Words in s. 42(2)(c) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(c)(iii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F8** Words in s. 42(4) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(d)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F9** Words in s. 42(4) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(d)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F10** S. 42(5) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(e)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F11** Words in s. 42(6)(b) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(f)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F12** Words in s. 42(6)(c) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(f)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F13** Words in s. 42(6)(d) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(f)(iii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F14** Words in s. 42(8) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(g)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F15** Words in s. 42(9) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(h)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F16** S. 42(9A) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F17** Words in s. 42(10) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(j)(i)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F18** Words in s. 42(10) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(10)(j)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

^{F19}43 Supplementary provisions as to loans under s.42.

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Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Cross Heading: Financial assistance to crofters, cottars and certain owner-occupiers etc. (See end of Document for details)

Textual Amendments

F19 S. 43 repealed (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), [sch. 2](#) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

44 Cottars

The Secretary of State shall have the like powers to provide assistance by way of [^{F20}grant] for the erection, improvement or rebuilding of dwelling-houses and other buildings for cottars as he has to provide assistance for the erection, improvement or rebuilding of dwelling-houses and other buildings for crofters, and subsections (4), (6), (8), (9) and (10) of section 42 of this Act shall apply accordingly.

Textual Amendments

F20 Word in s. 44 substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), [sch. 1 para. 2\(11\)](#) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

45 Former crofters and cottars who have acquired site of the dwelling-house.

(1) The Secretary of State may provide assistance under section 42(4) of this Act but not in respect of buildings other than dwelling-houses to—

- (a) a person, being a crofter who has acquired the site of the dwelling-house on or pertaining to his croft after 10th June 1976;
- (b) the nominee of such a person, being a member of his family, to whom the site was conveyed by the landlord of the croft;
- (c) a member of such a person's family who has acquired the title to the site from that person or such nominee;
- [^{F21}(ca) an owner-occupier crofter;]
- (d) a person, being a cottar who has acquired the site of the dwelling-house on or pertaining to his subject after 10th June 1976,

^{F22} ...

^{F23}(2)

(3) Where a person other than the landlord was infert in the site of the dwelling-house immediately before the conveyance, the reference in subsection (1)(b) above to the landlord shall be construed as a reference to the landlord and such other person for their respective rights.

(4) If any person, referred to in any of paragraphs (a) to (d) of subsection (1) above, for the purpose of obtaining for himself or any other person a grant ^{F24}... under section 42(4) of this Act, knowingly or recklessly makes a false statement he shall be guilty of an offence and shall be liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

Textual Amendments

F21 S. 45(1)(ca) inserted (22.12.2010) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), s. 57(2), [sch. 4 para. 3\(26\)\(a\)](#) (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with art. 4)

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- F22** Words in s. 45(1) repealed (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(26)(b)** (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with art. 4)
- F23** S. 45(2) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(12)(a)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F24** Words in s. 45(4) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(12)(b)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

46 Owner-occupiers of like economic status as crofters and other persons.

(1) The Secretary of State shall have the like powers to provide assistance by way of [^{F25}grant] for the erection, improvement or rebuilding of buildings other than dwelling-houses or towards the provision or improvement of roads, or water or electricity or gas supplies [^{F26}for owner-occupier crofters and] for owners of holdings to which subsection (2) below applies as he has to provide such assistance for crofters; and subsections (4), (6), (8) and (10) of section 42 of this Act shall apply accordingly.

(2) This subsection applies to any holding which—

(a) is situated in the crofting counties; and

(b) is either—

(i) a holding of which the area does not exceed 30 hectares, or

(ii) a holding of which the annual rent, if it were a croft let to a crofter under this Act, would not in the opinion of the Secretary of State exceed £100, or

(iii) a holding which exceeds 30 hectares and of which the annual rent if it were a croft so let would in the opinion of the Secretary of State exceed £100, but which in the opinion of the Secretary of State is not substantially larger than 30 hectares or is capable of being let as a croft at an annual rent not substantially in excess of £100; and

(c) is owned by a person who in the opinion of the Secretary of State [^{F27}uses his holding in a way which is substantially the same as that of a crofter] ; and

(d) is occupied by the owner thereof.

^{F28}(3)

(4) The Secretary of State shall have the like power to provide financial assistance—

[^{F29}(a) for owner-occupier crofters; and]

(b) for occupiers of holdings, other than crofts, situated in the crofting counties which are either holdings of which the area does not exceed 30 hectares (exclusive of any common pasture or grazing held therewith) or holdings the annual rent of which, if they were crofts let to crofters under this Act, would not, in the opinion of the Secretary of State, exceed £100, being occupiers who in the opinion of the Secretary of State [^{F30}use their holdings in a way which is substantially the same as that of a crofter] ; and

(c) for occupiers of holdings, other than crofts, situated in the crofting counties which exceed 30 hectares (exclusive of any common pasture or grazing held therewith) and of which the annual rent if they were crofts so let would in the opinion of the Secretary of State exceed £100, but which in the opinion of the Secretary of State are not substantially larger than 30 hectares (exclusive of any common pasture or grazing held therewith) or are capable of being so let at an annual rent not substantially in excess of £100, being occupiers who in

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the opinion of the Secretary of State [^{F30}use their holdings in a way which is substantially the same as that of a crofter] ; and

- (d) for subtenants of crofts or parts of crofts occupying under subleases intimated or granted as mentioned in section 29(2) of this Act^{F31};
- (e) for tenants of crofts or parts of crofts occupying under short leases granted as mentioned in section 29A,]

as he has by virtue of subsection (1) of section 42 of this Act to provide financial assistance for crofters; and accordingly the said subsection (1) shall have effect as if the reference therein to crofts included a reference to such [^{F32}owner-occupied crofts and] holdings and to parts of crofts and as if the reference therein to crofters included a reference to [^{F33}owner-occupier crofters,] to occupiers of such holdings [^{F34}, to subtenants of crofts or parts of crofts and to tenants of crofts or parts of crofts occupying under such short leases] .

- (5) If any person, for the purpose of obtaining for himself or any other person, a grant ^{F35}... under a scheme made under section 42(1) of this Act as applied by subsection (4) above, knowingly or recklessly makes a false statement he shall be guilty of an offence and shall be liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

Textual Amendments

- F25** Word in s. 46(1) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(13)(a)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F26** Words in s. 46(1) inserted (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(27)(a)** (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with art. 4)
- F27** Words in s. 46(2)(c) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(13)(b)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F28** S. 46(3) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(13)(c)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F29** S. 46(4)(a) substituted (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(27)(b)(i)** (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with art. 4)
- F30** Words in s. 46(4)(b)(c) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(13)(d)(ii)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F31** S. 46(4)(e) inserted (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(27)(b)(ii)** (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with art. 4)
- F32** Words in s. 46(4) inserted (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(27)(c)(i)** (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with art. 4)
- F33** Words in s. 46(4) substituted (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(27)(c)(ii)** (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with art. 4)
- F34** Words in s. 46(4) substituted (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(27)(c)(iii)** (with s. 57(4)); S.S.I. 2010/437, art. 3, sch. (with art. 4)
- F35** Words in s. 46(5) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 1 para. 2(13)(e)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

^{F36}46A Regulations concerning loans

- (1) The Scottish Ministers may in accordance with regulations made by them under subsection (2) below provide loans to—
 - (a) crofters;
 - (b) cottars;

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[owner-occupier crofters;]
F37(ba)

(c) owners of holdings to which section 46(2) of this Act applies.

(2) Regulations under this subsection may make provision as to—

- (a) who is to be eligible for a loan;
- (b) the amount which may be lent;
- (c) the circumstances under which, and the purposes for which, a loan may be provided;
- (d) the terms and conditions applicable to any loan;
- (e) arrangements for recording documents in connection with a loan in the Register of Crofts, the Land Register of Scotland or the Register of Sasines;
- (f) arrangements for recovery of any loan (whether or not in its entirety) when the borrower dies;
- (g) arrangements for assignation of the borrower's liabilities in consequence of the borrower dying or no longer occupying the holding in respect of which the loan was provided.]

Textual Amendments

F36 S. 46A inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 32, 43(3)** (with **ss. 40, 43(2)**); [S.S.I. 2007/269](#), **art. 2**, **sch.**

F37 S. 46A(1)(ba) inserted (22.12.2010) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), **s. 57(2)**, **sch. 4 para. 3(28)** (with **s. 57(4)**); [S.S.I. 2010/437](#), **art. 3**, **sch.** (with **art. 4**)

Changes to legislation:

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