



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

### *The conditions of tenure*

#### **5 The statutory conditions.**

- (1) Every tenancy of a croft shall be subject to the conditions set out in Schedule 2 to this Act (in this Act referred to as “the statutory conditions”).

<sup>F1</sup>(1A) .....

- (2) A crofter shall not be subject to be removed from the croft of which he is tenant except—

- (a) where one year’s rent of the croft is unpaid;
- (b) in consequence of the breach of one or more of the statutory conditions, other than the condition as to payment of rent; or
- (c) in pursuance of any enactment, including any enactment contained in this Act.

<sup>F2</sup>(2A) .....

<sup>F3</sup>(2B) .....

- <sup>F4</sup>(3) Any contract or agreement made by a crofter by virtue of which he is deprived of any right conferred on him by—

- (a) a provision of this Act not mentioned in paragraph (b) below, shall to that extent be void unless the contract or agreement is approved by the Land Court;
- (b) any of sections 8, 12 to 19, 21 and 37 of this Act, may be intimated to the Commission by a party to the agreement (the intimation being in such form as the Commission may specify and there being provided to the Commission, along with the intimation, a copy of the contract or agreement).

- (4) On giving approval under subsection (3)(a) above, the Land Court shall intimate to the Commission that it has done so and provide them with a copy of the contract or agreement.

- (5) On receiving a copy, provided under subsection (3)(b) or (4) above, of a contract or agreement the Commission shall enter the copy in the Register of Crofts.

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*Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 5. (See end of Document for details)*

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(6) Where a copy is so entered then, subject to the terms of the contract or agreement, the deprivation in question is binding on the successors to the crofter's interest.

<sup>F5</sup>(7) .....

<sup>F5</sup>(8) .....

<sup>F5</sup>(9) .....

<sup>F5</sup>(10)] .....

#### Textual Amendments

- F1** S. 5(1A) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(6)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F2** S. 5(2A) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(6)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F3** S. 5(2B) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(6)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F4** S. 5(3)-(10) substituted for s. 5(3) (25.6.2007 for specified purposes, 28.1.2008 in force in so far as not already in force) by Crofting Reform etc. Act 2007 (asp 7), **ss. 7(1)(c), 43(3)** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.; S.S.I. 2007/568, art. 2
- F5** S. 5(7)-(10) repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(6)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 5.