SCHEDULE

	Rate of Grant
1. Cropping of marginal land	85 per cent.
2. Regeneration of rough grazings	85 „
3. Direct reseeding of land	85 „
4. Reclamation of land	85 „
5. Provision of pit silos	85 „
6. Provision of temporary cattle pens and shelters	85 „
7. Provision or improvement of roads, bridges or boat slips for agricultural purposes	75 „
8. Provision of water supplies	75 „
9. Drainage	66⅔ „
10. Provision of fencing	66⅔ „
11. Provision of fanks and dippers	66⅔ „
12. Planting of shelter belts	50 „
13. Provision of electrical equipment for agricultural purposes	50 „
14. Bracken cutting	50 „
15. Removal of whins, gorse, bushes, scrub, stumps, roots, boulders or other like obstructions to cultivation ...	50 „

EXPLANATORY NOTE

(*This note is not part of the scheme, but is intended to indicate its general purport.*)

This scheme, made with the approval of Treasury under Section 22 of the Crofters (Scotland) Act, 1955, provides that the Secretary of State may make grants to crofters in the seven crofting counties in Scotland, subject to certain defined conditions, in respect of specified operations carried out by them for the purpose of aiding and developing agricultural production on their crofts.

1956 No. 775 (S. 37)

The Crofters etc. Building Grants (Scotland) Regulations, 1956

Made - - - -	25*th May*, 1956
Laid before Parliament	30*th May*, 1956
Coming into Operation	31*st May*, 1956

In exercise of the powers conferred on me by subsection (4) of section 22 of the Crofters (Scotland) Act, 1955(**a**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, Commencement and Interpretation

1. These regulations may be cited as the Crofters etc. Building Grants (Scotland) Regulations, 1956, and shall come into operation on the 31st day of May, 1956.

(**a**) 3 & 4 Eliz. 2. c. 21.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

"the Act" means the Crofters (Scotland) Act, 1955 ;

"cottar" means a cottar who has applied for a grant or, as the case may be, to whom the Secretary of State has decided to make or has made a grant under subsection (3) of section 28 of the Act ;

"crofter" means a crofter or a person deemed by subsection (6) of section 22 of the Act to be a crofter, who has applied for a grant or, as the case may be, to whom the Secretary of State has decided to make, or has made, a grant under subsection (2) of the said section 22 ;

"grant" means assistance by way of grant such as is mentioned in subsection (2) of section 22 of the Act ;

"landlord" in relation to a crofter, other than a person deemed by subsection (6) of section 22 of the Act to be a crofter, has the same meaning as in the Act, and, in relation to a cottar, means the owner of the land upon which is or is proposed to be erected the dwellinghouse to which an application for a grant, or, as the case may be, a grant, relates ;

"owner-occupier" means an owner of a holding to which section 31 of the Act applies, who has applied for a grant, or, as the case may be, to whom the Secretary of State has decided to make, or has made, a grant under subsection (1) of that section ;

"the recorded conditions" in relation to any dwellinghouse or other building means the conditions set out in the notice recorded in relation to that dwellinghouse or other building in the Register of Sasines in accordance with regulation 4 of these regulations ;

"the work" means the work of erection, improvement or rebuilding towards which the Secretary of State has decided to make, or has made, a grant.

(2) In these regulations any reference to the recipient of a grant includes a reference—

(*a*) in the case of a crofter, to any other crofter who becomes tenant of the croft whether as a statutory successor or otherwise or to any person who owns and occupies the croft ;

(*b*) in the case of a cottar, to any other person who succeeds him as cottar in occupation of the dwellinghouse in respect of which the grant in question is made ; and

(*c*) in the case of an owner-occupier or a person deemed by subsection (6) of section 22 of the Act to be a crofter, to the heirs and successors whomsoever of the owner-occupier or of that person as the case may be.

(3) The Interpretation Act, 1889(**a**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Application for and Payment of Grant

3.—(1) An application for a grant shall be made to the Secretary of State in such form as he may require.

(2) The applicant shall furnish to the Secretary of State such information regarding the proposals for the erection, improvement or rebuilding of the dwellinghouse or, as the case may be, the other building to which the application relates as the Secretary of State may require.

(**a**) 52 & 53 Vict. c. 63.

(3) The Secretary of State shall, where the applicant is a crofter or a cottar, give notice in writing to the applicant's landlord that he has received the application, and if the landlord within fourteen days after receiving the notice objects in writing to the making of the grant the Secretary of State shall, before making any decision on the application, afford to the applicant and the landlord an opportunity of making representations thereon to him in writing or to a person appointed by the Secretary of State to hear the representations and to report thereon to him.

(4) After considering any such application and any representations or report as aforesaid relative thereto, the Secretary of State shall give to the applicant notice in writing of his decision thereon and if the applicant is a crofter or a cottar, shall also give notice of his decision to the applicant's landlord.

(5) Where the Secretary of State has decided to make a grant he shall, at the same time as he gives to the applicant notice of his decision, inform the applicant that the proposed work of erection, improvement or rebuilding may, subject to such modifications or conditions as the Secretary of State may specify, be carried out.

(6) Upon completion of the work as aforesaid to the satisfaction of the Secretary of State, he shall make payment of the grant to the applicant:

Provided that at his discretion, the Secretary of State may, if so requested by the applicant, make payment thereof in instalments and such instalments shall be made at such times, while the work is in course of being carried out or after its completion, and subject to such conditions, as the Secretary of State may determine.

(7) When an instalment of a grant has been paid in accordance with the proviso to the last foregoing paragraph and work towards which the grant, of which the instalment was a part, was to be made by the Secretary of State, is not thereafter completed to his satisfaction, the amount of the instalment may be recovered under and in accordance with paragraph (1) of regulation 8 of these regulations from the person to whom the instalment was paid as if he were the recipient of a grant and as if there had been a failure to comply with a condition such as mentioned in that paragraph.

4.—(1) Upon the making of a grant the Secretary of State shall forthwith cause to be recorded in the Register of Sasines applicable to the County in which is situated the dwellinghouse or other building in respect of the erection, improvement or rebuilding of which the grant is made, a notice in the form set out in the First Schedule of these regulations specifying the conditions which, by virtue of the next succeeding regulation, apply in relation to that dwellinghouse or other building.

(2) The Secretary of State shall, where the person to whom the grant is made is a crofter, or a cottar, send a copy of the notice recorded under the last foregoing paragraph to the landlord of the crofter or the cottar.

Conditions of Grant

5.—(1) A dwellinghouse in respect of which a grant has been made shall, unless the Secretary of State otherwise agrees, be occupied—

(i) where the recipient of a grant is a crofter, by the crofter or his family;

(ii) where the recipient of the grant is a cottar, by the cottar or his family; and

(iii) where the recipient of the grant is a person deemed by subsection (6) of section 22 of the Act to be a crofter, or is a person who has become

owner of the holding in respect of which the application was made after the making of the application but before the making of the grant, by that person or his family as part of the holding which he owns and occupies.

(2) A building other than a dwellinghouse in respect of which a grant has been made shall,

(i) where the recipient of the grant is a crofter, be used by him for the purpose of the working of the croft of which he is tenant;

(ii) where the recipient of the grant is an owner-occupier, or a person to whom subsection (6) of section 22 of the Act applies, be used by him for the purpose of the working of the holding which he owns and occupies.

(3) The dwellinghouse or other building in respect of which a grant has been made shall at all times be maintained by the recipient of the grant to the satisfaction of the Secretary of State.

(4) Any such dwellinghouse or other building as aforesaid shall be kept insured against destruction or damage by fire for such sum and with such insurance company as the Secretary of State may from time to time approve, and the receipts for the premiums in respect of the renewal of any such insurance shall be exhibited to the Secretary of State on demand.

(5) The recipient of a grant shall permit any person duly authorised by the Secretary of State in that behalf at all reasonable times to enter and inspect any such dwellinghouse or other building as aforesaid for the purpose of ascertaining whether any provision of these regulations applicable to the dwellinghouse or other building is being complied with in relation thereto and any person so authorised by the Secretary of State shall, if so required, produce a duly authenticated document showing his authority to enter and inspect the same.

6.—(1) In the case of a dwellinghouse or other building in respect of the erection or rebuilding of which a grant has been made, these regulations and the recorded conditions shall, subject to the provisions of regulation 8, be observed in relation to the dwellinghouse or, as the case may be, the other building for the period of 40 years, beginning with the day on which, in the opinion of the Secretary of State, the work of erection or rebuilding is completed and shall, subject as aforesaid, cease to have effect on the expiry thereof.

(2) In the case of a dwellinghouse or other building in respect of the improvement of which a grant has been made, these regulations and the recorded conditions shall, subject to the provisions of the said regulation 8, be observed in relation to the dwellinghouse or, as the case may be, the other building for the period of 20 years beginning on the date on which, in the opinion of the Secretary of State, the work of improvement is completed and shall, subject as aforesaid, cease to have effect on the expiry thereof.

7.—(1) The Secretary of State may require the recipient of a grant, or the landlord of any crofter or cottar who is such a recipient, to furnish him at such times as he may determine with a certificate that, in the case of the dwellinghouse or other building in respect of which the grant was made, the recorded conditions are being complied with and with such other relevant information as he may think necessary.

(2) The recipient of a grant, being a crofter, who proposes to give up his tenancy of his croft, or the recipient of a grant, whether a crofter or any other

person, who proposes to do any other thing which would result in any of the recorded conditions ceasing to be observed in relation to the dwellinghouse or other building in respect of which the grant was made, shall give notice in writing of his proposal to the Secretary of State and if, in the case of a crofter, he proposes to give up the tenancy of the croft or, in the case of an owner-occupier or person to whom subsection (6) of section 22 of the Act applies to let, feu, sell or otherwise dispose of the holding upon which the dwellinghouse or other building is situated, he shall, along with the notice, furnish to the Secretary of State the name and address of the proposed assignee or, as the case may be, tenant, feuar, purchaser or other disponee.

(3) A person who becomes tenant whether as a statutory successor or otherwise of a croft on which is situated a dwellinghouse or other building in respect of which a grant has been made, or a cottar who becomes occupier of such a dwellinghouse, or an owner-occupier, or a person to whom subsection (6) of section 22 of the Act applies, in whom there vests any such dwellinghouse or other building shall, upon becoming the recipient of the grant by succession or otherwise, give notice forthwith to the Secretary of State to that effect.

Recovery and Repayment of Grant

8.—(1) If at any time during the period during which the recorded conditions continue to apply in relation to any dwellinghouse or other building the Secretary of State has reason to believe that there has been a failure to comply with any of those conditions in relation to that dwellinghouse or other building or if the Secretary of State has reason to believe that there will within six months from the date of the notice aftermentioned be such a failure, then, in either of these events the Secretary of State may give to the person who is the recipient for the time being of the grant notice in writing requiring him to make payment of a sum calculated in accordance with paragraph (4) of this regulation in repayment of the grant and the recipient of the grant shall, unless he satisfies the Secretary of State that there has not been or will not be such a failure as aforesaid, make payment of that sum to the Secretary of State accordingly.

(2) In the event of any such dwellinghouse or other building as aforesaid being, during the said period, destroyed or so damaged by fire as to be rendered unfit, in the case of a dwellinghouse, for human habitation or, in the case of any other building, for the agricultural use for which it was designed, the Secretary of State may give to the person who is the recipient for the time being of the grant, notice in writing requiring him to make payment of a sum calculated in accordance with the provisions of paragraph (4) of this regulation in repayment of the grant and the recipient of the grant shall make payment of that sum to the Secretary of State accordingly.

(3) Any person who is the recipient, for the time being, of a grant may repay the grant by making payment to the Secretary of State of a sum calculated in accordance with the provisions of the next following paragraph or such lesser sum as, in the circumstances of any particular case, the Secretary of State in his discretion may determine.

(4) The sum referred to in the last three foregoing paragraphs shall be a sum bearing the same proportion to the grant made in respect of the dwellinghouse or the other building in question as the period between the date of the notice given under paragraph (1) or paragraph (2) of this regulation in relation to that dwellinghouse or other building or, in the case to which the last foregoing paragraph applies, the date of repayment, and the expiration of the period specified in paragraph (1) or, as the case may be, paragraph (2) of regulation 6 of these regulations, bears to the

whole of that period, together with interest at the rate of 5 per centum per annum on that sum from the date on which payment of the grant or the instalment was made until repayment.

(5) Where the tenancy of a croft upon which is situated a dwellinghouse or other building, or where a cottar's tenancy of a dwellinghouse, in respect of which a grant has been made terminates, then, during any period during which the croft or, as the case may be, the dwellinghouse, remains unlet and unoccupied, the owner shall be deemed to be the recipient of the grant.

(6) If the recipient of a grant lets, sells or otherwise disposes of the dwellinghouse or other building in respect of which the grant was made to a person other than a crofter or a person of the same economic status as a crofter, there shall be deemed to have been a failure to which paragraph (1) of this regulation applies in relation to that dwellinghouse or other building.

(7) It shall be no objection to a notice given under this regulation in respect of a failure existing at the date at which the notice is given that the notice was not given immediately, or at any particular interval, after the existence of the failure first came to the Secretary of State's knowledge, or that the failure first occurred before the recipient of the grant to whom the notice is given became tenant of the croft, or, as the case may be, of the dwellinghouse, or the owner-occupier of the holding on which the dwellinghouse or other building in question is situated, or that the Secretary of State could have required repayment of the grant at a date earlier than that at which the notice was given but did not do so.

9. On the making by the person who is, for the time being, the recipient of a grant in respect of a dwellinghouse or other building, of any such payment as is referred to in the last foregoing regulation these regulations and the recorded conditions shall cease to apply to the dwellinghouse or other building and the Secretary of State shall cause to be recorded in the Register of Sasines applicable to the County in which the said dwellinghouse or other building is situated, a notice in the form set out in the Second Schedule to these regulations stating that the said conditions have ceased so to apply.

Grant in relation to Compensation

10.—(1) If at any time within the period during which the recorded conditions continue to have effect in relation to a dwellinghouse or other building compensation under the Act becomes payable in respect of the dwellinghouse or other building, so much of the value of the dwellinghouse or other building as is attributable to the grant, or to so much of the grant as is outstanding at the date at which compensation becomes payable, shall be deducted therefrom.

(2) The landlord of any such dwellinghouse or other building as aforesaid shall not, at any time during the said period, be entitled to obtain any consideration by way of rent or otherwise in respect of so much of the value of the dwellinghouse or other building as is attributable to the work towards which such grant as aforesaid was made.

Dated this 25th day of May, 1956.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

FIRST SCHEDULE

FORM OF NOTICE UNDER REGULATION 4 OF THE CROFTERS ETC. BUILDING GRANTS (SCOTLAND) REGULATIONS, 1956, OF PAYMENT OF A GRANT

The Crofters (Scotland) Act, 1955

Notice of Payment of Grant

Whereas the Secretary of State, in accordance with the provisions of the Crofters (Scotland) Act, 1955 (hereinafter referred to as "the Act"), and the Crofters etc. Building Grants (Scotland) Regulations, 1956 (hereinafter referred to as "the regulations"), has made a grant of(1) in respect of(2) (hereinafter referred to as "the building") situated on the subjects described in the schedule hereto, to(3) (who, together with any heir-at-law or legatee of his who succeeds him in occupation of the said subjects, and any other person who becomes either owner or, as the case may be, occupier thereof whether as tenant or as owner is hereinafter referred to as "the recipient of the grant");

Now Therefore notice is hereby given, in accordance with the provisions of regulation 4 of the regulations, that for the period of(4) years commencing on the(5) day of 19 the following conditions shall, by virtue of regulation 5 of the regulations, be observed with respect to the building:—

(*a*) the building shall be occupied by the recipient of the grant or his family;

(*b*) the recipient of the grant shall maintain the building to the satisfaction of the Secretary of State;

(*c*) the recipient of the grant shall keep the building insured against destruction or damage by fire for such sum and with such insurance company as the Secretary of State may from time to time approve, and the receipts for the premiums in respect of the renewals of such insurance shall be exhibited to the Secretary of State on demand;

(*d*) the recipient of the grant shall permit any person duly authorised by the Secretary of State in that behalf at all reasonable times to enter and inspect the building for the purpose of ascertaining whether the provisions of the regulations are being complied with in respect of the building.

Notice is further hereby given that in the event of the breach of any of the foresaid conditions or upon the occurrence of any of the other events specified in regulation 8 of the regulations then by virtue of the said regulation 8 there shall on demand by the Secretary of State by notice in writing to that effect become payable to him by the recipient of the grant for the time being a sum being the appropriate proportion specified in paragraph (4) of the said regulation 8 of the said grant together with interest at the rate of 5 per centum per annum on the said sum from the date on which payment of the said grant was made until the date of payment of the said sum.

Given under the Seal of the Secretary of State for Scotland this day of 19 .

Department of Agriculture for Scotland,
St. Andrew's House,
Edinburgh, 1.

SCHEDULE

([6])Description of subjects, stating parish and county	Name and designation of present landlord

([1]) here insert amount of grant.
([2]) here specify work done.
([3]) here insert name, address and designation of person to whom grant is made.
([4]) here insert period during which conditions apply.
([5]) here insert the date of the completion of the work.
([6]) here describe the subjects sufficiently to identify them for the purpose of recording in the Register of Sasines, e.g. "All and whole [in the parish of and county of] being [part of] the subjects described in (disposition etc.) by in favour of dated and recorded in the Division of the General Register of Sasines applicable to the of on the day of 19 ".

SECOND SCHEDULE

FORM OF NOTICE UNDER REGULATION 9 OF THE CROFTERS ETC. BUILDING GRANTS (SCOTLAND) REGULATIONS, 1956, OF REPAYMENT OF A GRANT

The Crofters (Scotland) Act, 1955

Notice of Repayment of Grant

Whereas the Secretary of State made a grant under the provisions of the Crofters (Scotland) Act, 1955, in respect of the work of([1]) situated on the subjects described in the Schedule to this notice, notice of the payment of which grant was recorded in the Division of the General Register of Sasines applicable to the County of([2]) on the ([3]) day of 19 : And Whereas repayment of the amount of the said grant has now been made to the Secretary of State :

Now Therefore notice is hereby given in accordance with regulation 9 of the Crofters etc. Building Grants (Scotland) Regulations, 1956, that, by virtue of the said repayment made to the Secretary of State on the([4]) day of 19 of the amount of grant, the conditions specified in the notice recorded in the said Division of the General Register of Sasines ceased to apply to the([5]) on that date.

Given under the Seal of the Secretary of State for Scotland this day of 19 .

Department of Agriculture for Scotland,
St. Andrew's House,
Edinburgh, 1.

SCHEDULE

([6])Description of subjects, stating parish and county	Name and designation of present landlord

([1]) here specify work.
([2]) here insert appropriate register.
([3]) here insert date of recording of notice of grant.
([4]) here insert date on which repayment of grant was made.
([5]) specify dwellinghouse or building.
([6]) here describe the subjects sufficiently to identify them for the purpose of recording in the Register of Sasines, e.g. " All and whole [in the parish of and county of] being [part of] the subjects described in (disposition, etc.) by in favour of dated and recorded in the Division of the General Register of Sasines applicable to the of on the day of 19 ".

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

Sections 22 and 28 of the Crofters (Scotland) Act, 1955, empower the Secretary of State to provide assistance by way of grant towards the erection or improvement or rebuilding of dwellinghouses and other buildings for crofters and cottars in the Highlands and Islands. Section 31 of the Act empowers the Secretary of State to provide such assistance towards the erection or improvement or rebuilding of buildings other than dwellinghouses for owner-occupiers of substantially the same economic status as crofters. These regulations prescribe the conditions to be observed with respect to such dwellinghouses and other buildings so long as any such grant is outstanding but subject to a maximum period of 40 years in the case of erections or rebuildings and 20 years in the case of improvements. The regulations also provide for recovery of the grant in the event of a breach of the conditions and for repayment by the recipient, and prescribe the form of notices to be recorded in the General Register of Sasines.