CHAPTER 21

An Act to make provision for the reorganisation, development and regulation of crofting in the crofting counties of Scotland; to authorise the making of grants and loans for the development of agricultural production on crofts and the making of grants and loans towards the provision of houses and buildings for crofters, cottars and others of like economic status; to re-enact the provisions of the Landholders Acts with respect to cottars; and for purposes connected with the matters aforesaid. [6th May, 1955]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Establishment of Crofters Commission

Constitution and general functions of Crofters Commission.

1.—(1) There shall be constituted a Commission to be called "the Crofters Commission" (hereafter in this Act referred to as "the Commission") which shall have the functions of reorganising, developing and regulating crofting in the crofting counties of Scotland, of promoting the interests of crofters there and of keeping under review matters relating to crofting, and such other functions as are conferred on them by or under this Act.

(2) The Commission shall carry out their functions in accordance with such directions of a general character as may be given by the Secretary of State and in carrying out their functions shall have regard to local circumstances and conditions.

(3) The Commission shall consist of not more than six members appointed by the Secretary of State, and of the members one shall be appointed by the Secretary of State to be chairman of the Commission.

(4) The Commission shall include members with knowledge of crofting conditions and at least one member who can speak the Gaelic language.

(5) The provisions contained in the First Schedule to this Act shall have effect in relation to the Commission.

Particular powers and duties of the Commission.

2.—(1) In the exercise of their general functions of reorganising, developing and regulating crofting, it shall be the duty of the Commission:—

(*a*) to keep under general review all matters relating to crofts and crofting conditions, including, without prejudice to the foregoing generality, land settlement, the improvement of land and livestock, the planting of trees, the supply of agricultural equipment and requisites, the marketing of agricultural produce, experimental work on crofting methods, the provision of demonstration crofts, the needs of the crofting communities for public services of all kinds, the provision of social amenities and the need for industries to provide supplementary occupations for crofters or work for their families; and to make such recommendations as they may think fit on any of the matters aforesaid;

(*b*) to collaborate so far as their powers and duties permit with any body or person in the carrying out of any measures for the economic development and social improvement of the crofting counties;

(*c*) to advise the Secretary of State on any matter relating to crofts and crofting conditions which he may refer to them, or on which they may think fit to submit advice to him;

(*d*) to exercise the powers conferred on them by this Act in such manner as may seem to them in each case desirable.

(2) For the purpose of assisting them in the local execution of their functions under this Act, the Commission shall have power to appoint a panel of suitable persons resident in the crofting counties to act as assessors, when required by the Commission so to act, and may make to such assessors in respect of

any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as such assessors, such payments as the Secretary of State may, with the approval of the Treasury, determine.

(3) The Commission shall send to the sheriff-clerk to be recorded in the Crofters Holdings Book every order, determination, consent, authorisation or other proceeding of theirs which they may think proper to be recorded therein; and the provisions of section twenty-seven of the Act of 1886 shall apply in relation thereto as they apply in relation to orders of the Land Court.

(4) The Commission shall make an annual report to the Secretary of State on the exercise and performance by them of their functions under this Act, and the Secretary of State shall lay a copy of the report before each House of Parliament, together with such comments as he may think fit to make.

Crofting Tenure

Definition of "croft" and "crofter", and conditions of tenure of crofter.

3.—(1) In this Act the expression "croft" means—

(*a*) as from the commencement of this Act, every holding (whether occupied by a landholder or not) situate in the crofting counties which was, immediately before the commencement of this Act, a holding to which any of the provisions of the Landholders Acts relating to landholders applied;

(*b*) as from the commencement of this Act, every holding situate as aforesaid which was, immediately before the commencement of this Act, a holding to which the provisions of the Landholders Acts relating to statutory small tenants applied;

(*c*) as from the date of registration, every holding situate as aforesaid which is constituted a croft by the registration of the tenant thereof as a crofter under section four of this Act.

(2) In this Act the expression "crofter" means the tenant of a croft.

(3) 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 conditions set out in the Second Schedule to this Act (in this Act referred to as " 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.

(4) Any contract or agreement made by a crofter by virtue of which he is deprived of any right conferred on him by any provision of this Act shall to that extent be void unless the contract or agreement is approved by the Land Court.

(5) For the purposes of this Act any right in pasture or grazing land held or to be held by the tenant of a croft, whether alone or in common with others, shall be deemed to form part of the croft.

Registration of crofters.

4.—(1) The landlord and the tenant of any holding of which the annual rent does not exceed fifty pounds or of which the area does not exceed fifty acres (exclusive of any common pasture or grazing held or to be held therewith) may make joint application to the Land Court for the registration of the tenant of the holding as a crofter, and on such application the tenant shall be so registered; and where any such holding as aforesaid is constituted under any enactment authorising the Secretary of State to constitute new holdings and the Secretary of State makes application to the Land Court for the registration of the tenant of the holding as a crofter, the tenant shall be so registered.

(2) Not more than one person shall be registered as a crofter in respect of any holding.

(3) The procedure in connection with applications under this Act for registration as a crofter shall be such as may be provided by rules of the Land Court.

(4) Registration of a crofter under this Act shall be constituted by an order of the Land Court authorising his registration duly recorded, with the application on which it proceeds, in the Crofters Holdings Book.

Rent.

5.—(1) The rent payable by a crofter as one of the statutory conditions shall be the yearly rent, including money and any prestations other than money, payable for the year current at the commencement of this Act or, in the case of a croft let after the commencement of this Act, fixed at the date of the letting, unless and until that rent is altered in accordance with the provisions of this Act.

(2) The rent may be altered by agreement in writing between the landlord and the crofter to such amount and for such period as may be so agreed; and thereupon the rent so agreed shall

be the rent payable by the crofter so long as the agreement subsists and thereafter so long as—

(*a*) no new agreement between the landlord and the crofter shall have been made; or

(*b*) no different rent shall have been fixed by the Land Court under this Act.

(3) The Land Court may, on the application of the crofter or the landlord, determine what is a fair rent to be paid by the crofter to the landlord for the croft, and may pronounce an order accordingly; and the rent so fixed by the Land Court shall be the rent payable by the crofter as from the first term of Whitsunday or Martinmas next succeeding the decision of the Land Court:

Provided that—

(*a*) where the rent payable for the croft has been fixed by the Land Court it shall not be altered, except by mutual agreement between the crofter and the landlord, for a period of seven years from the term at which it first became payable; and

(*b*) where a croft is let after the commencement of this Act, the rent shall not be altered by the Land Court for a period of seven years from the term at which it first became payable or for such longer period as may have been agreed upon between the crofter and the landlord.

(4) Before determining what is a fair rent for a croft, the Land Court shall hear the parties and shall take into consideration all the circumstances of the case, of the croft and of the district, and in particular shall take into consideration any permanent or unexhausted improvements on the croft and suitable thereto which have been executed or paid for by the crofter or his predecessors in the tenancy.

Record of croft.

6.—(1) The Land Court shall, on the application of the landlord or the crofter, make a record of the condition of the cultivation of a croft and of the buildings and other permanent improvements thereon, and by whom the permanent improvements have been executed or paid for.

(2) Any application under this section shall be intimated by the Land Court to the other party concerned and each party shall be given an opportunity of being heard on any matter affecting the record of the croft.

Renunciation of tenancy.

7.—(1) A crofter shall be entitled, on one year's notice in writing to the landlord, to renounce his tenancy as at any term of Whitsunday or Martinmas.

(2) If a crofter renounces his tenancy the landlord shall be entitled to set off all rent due or to become due against any

sum found to be due to the crofter or to the Secretary of State by way of compensation for permanent improvements made on the croft.

Assignation of croft.

8.—(1) A crofter shall not, except with the consent in writing of the Commission, assign his croft.

(2) A crofter wishing to assign his croft shall make application to the Commission for their consent to the assignation of his croft and shall at the same time inform his landlord in writing of his application.

(3) The Commission shall give notice to the landlord of any application made to them for their consent to the assignation of a croft and before giving their consent shall afford to the crofter and to the landlord an opportunity of making representations to them.

(4) In considering any application made as aforesaid the Commission shall take into account the family and other circumstances of the crofter and of the proposed assignee of the croft and the general interests of the township in which the croft is situated, and, where they give their consent, may give it subject to such terms and conditions, if any, as may to them seem fit.

(5) Where a crofter assigns his croft otherwise than with the consent in writing of the Commission, or, where such consent is given subject to terms and conditions, otherwise than in accordance with such terms and conditions, such assignation and any deed purporting so to assign the croft shall be null and void and the Commission may declare the croft to be vacant.

Sub-division of croft.

9. A crofter shall not, except with the consent in writing of the landlord and of the Commission, sub-divide his croft, and any sub-division of a croft otherwise than with such consent shall be null and void.

Bequest of croft.

10.—(1) A crofter may, by will or other testamentary writing, bequeath the tenancy of his croft to any one person; but where the power conferred by this subsection is exercised in favour of a person not being a member of the crofter's family, the bequest shall be null and void unless the Commission, on application made to them by the legatee, otherwise determine.

(2) A person to whom the tenancy of a croft is bequeathed as aforesaid (in this section referred to as "the legatee") shall, if he accepts the bequest, give notice of the bequest to the landlord within two months after the death of the crofter, unless he is prevented by some unavoidable cause from giving such notice within that time, and in that event he shall give such

notice within a further period of four months. If no such notice is given in accordance with the provisions of this subsection the bequest shall become null and void.

The giving of such notice shall import acceptance of the bequest and, unless the landlord intimates objection to the Commission under the next following subsection, the legatee shall come into the place of the deceased crofter in the croft as from the date of the death of the deceased crofter, and the landlord shall notify the Commission accordingly.

(3) Where notice has been given as aforesaid to the landlord he may within one month after the giving of the notice intimate to the legatee and to the Commission that he objects to receive the legatee as tenant of the croft and shall state the grounds of his objection.

(4) If, after affording to the legatee and to the landlord an opportunity of making representations to them, the Commission are satisfied that the objection is reasonable, they shall declare the bequest to be null and void, and shall notify the landlord and the legatee accordingly. If they are not so satisfied they shall notify the landlord and the legatee to that effect, and the legatee shall thereupon come into the place of the deceased crofter in the croft as from the date of the death of the deceased crofter.

(5) If the bequest becomes null and void under this section, the right to the croft shall thereupon devolve upon the heir-at-law of the deceased crofter.

(6) Subject to the foregoing provisions of this section, any question arising with respect to the validity or effect of the bequest shall be determined by any court having jurisdiction to determine the validity and effect of the whole testamentary writings of the deceased crofter.

(7) In this section the expression "member of the crofter's family" means the wife or husband of the crofter or his son-in-law or daughter-in-law or any person who, failing nearer heirs, would be entitled to succeed in case of intestacy to the tenancy of the croft.

Succession to croft.

11.—(1) Where, owing to the failure of a crofter to bequeath the tenancy of his croft or of such a bequest to receive effect, the right to the tenancy of the croft devolves upon the heir-at-law of the crofter, the landlord shall, subject to the provisions of subsection (2) of this section, accept as successor to the tenancy any heir of the deceased crofter, being a person who, failing nearer heirs, would be entitled to succeed to the tenancy, who within three months from the date on which the right to the croft devolved upon the heir-at-law makes application to the landlord

to be accepted as tenant; and the landlord shall notify the Commission accordingly:

Provided that the landlord shall not under this subsection accept any person as successor to the tenancy unless he is satisfied that there is no nearer heir who desires to succeed to the tenancy.

(2) In the event of the landlord not being satisfied as to any matter as to which he is required under this section to be satisfied or of any dispute arising thereunder with respect to the right of any person to be accepted as successor to the tenancy, the landlord shall, and any other person having an interest may, refer the question to the Commission for their determination, and the Commission shall determine it accordingly.

(3) If at the expiry of three months from the date on which the right to the croft devolved upon the heir-at-law no person has been accepted by the landlord as successor to the tenancy, the landlord shall forthwith notify the Commission to that effect.

(4) If at the expiry of the three months aforesaid it appears to the Commission, whether from a notification under the last foregoing subsection or otherwise, that no person has been accepted by the landlord as successor to the tenancy, the Commission shall give notice in such manner as they may think proper, whether by advertisement or otherwise, to persons who may claim to be entitled to succeed to the tenancy requiring them if they desire so to succeed to give intimation accordingly to the Commission before such date as may be specified in the notice, being a date not earlier than six months after the date on which the right to the croft devolved as aforesaid; and the Commission shall nominate as successor to the tenancy that one of the persons who have so given intimation who appears to them to be the nearest heir of the deceased crofter. The Commission shall give notice to the landlord of the person so nominated by them and the landlord shall accept that person as successor to the tenancy:

Provided that the Commission shall not, before the date specified in the notice given by them under this subsection, nominate any person as successor to the tenancy unless they are satisfied that there is no nearer heir who desires to succeed to the tenancy.

(5) If no person is duly nominated under the last foregoing subsection by the Commission as successor to the tenancy, the Commission shall declare the croft to be vacant and shall notify the landlord accordingly.

(6) Where the Commission have under the foregoing provisions of this section nominated a person as successor to the

tenancy or, as the case may be, have declared the croft to be vacant, the rights of all heirs (other than any heir so nominated) to succeed to the tenancy shall be extinguished.

(7) Where a croft has been declared under subsection (5) of this section to be vacant, the landlord shall be liable—

(*a*) if the deceased crofter was at the date of his death under any liability to the Secretary of State in respect of any loan, to pay to the Secretary of State the whole or so much of the value of the improvements on the croft as will discharge the liability of the deceased crofter, and to pay to the executor of the deceased crofter, if a claim is made in that behalf not later than twelve months after the date on which the croft was declared to be vacant, any balance of the value aforesaid ;

(*b*) if at the date of his death the deceased crofter was not under any such liability to the Secretary of State and a claim is made in that behalf as aforesaid, to pay to the executor of the deceased crofter the value of the improvements on the croft.

In this subsection the expression " the value of the improvements on the croft " means such sum as may be agreed, or as, failing agreement, may be determined by the Land Court, to be the sum which would have been due by the landlord by way of compensation for permanent improvements if the deceased crofter had immediately before his death renounced his tenancy.

(8) In this section any reference to the heir-at-law of a crofter includes a reference to any person entitled to succeed to the tenancy of the croft by virtue of the provisions of the Intestate Husband's Estate (Scotland) Acts, 1911 and 1919, or of section five of the Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940.

(9) In the event of the heirs-at-law of a crofter being heirs portioners, the eldest of such heirs portioners shall be entitled to succeed to the tenancy without division.

Resumption of croft or part of croft by landlord.

12.—(1) The Land Court may, on the application of the landlord and on being satisfied that he desires to resume the croft, or part thereof, for some reasonable purpose having relation to the good of the croft or of the estate or to the public interest, authorise the resumption thereof by the landlord upon such terms and conditions as they may think fit, and may require the crofter to surrender his croft, in whole or in part, to the landlord accordingly, upon the landlord making adequate compensation to the crofter either by letting to him other land of equivalent value in the neighbourhood or by compensation in money or by way of an adjustment of rent or in such other manner as the Land Court may determine.

(2) For the purposes of the foregoing subsection the expression "reasonable purpose" shall include the using, letting or feuing of the land proposed to be resumed for the building of dwellings, or for small allotments, or for harbours, piers, boat shelters or other like buildings, or for churches or other places of religious worship, or for schools, or for halls or community centres, or for planting, or for roads practicable for vehicular traffic from the croft or township to the public road or to the seashore, and the protection of an ancient monument or other object of historical or archaeological interest from injury or destruction.

(3) Where an application is made, with the consent of a majority of the persons sharing in a common grazing and with the approval of the Commission, for authority to resume any land forming part of the common grazing for the purpose of using, letting or otherwise disposing of it for the planting of trees, the Land Court shall not withhold their authority for such resumption.

Provisions as to removal of crofter.

13.—(1) When—

(*a*) one year's rent of a croft is unpaid, or

(*b*) a crofter has broken one or more of the statutory conditions (other than the condition as to payment of rent),

the Land Court may, on the application of the landlord and after considering any objections stated by the crofter, make an order for the removal of the crofter.

(2) When a crofter whose rights to compensation for permanent improvements have been transferred in whole or in part to the Secretary of State under section twenty-three of this Act—

(*a*) has abandoned his croft; or

(*b*) has broken any of the statutory conditions (other than the condition as to payment of rent); or

(*c*) has broken any of the conditions of repayment of a loan contained in the agreement for the loan;

the Land Court may, on the application of the Secretary of State and after considering any objections stated by the crofter or the landlord, make an order for the removal of the crofter.

(3) If a crofter is removed from his croft, the landlord shall be entitled to set off all rent due or to become due against any sum found to be due to the crofter or to the Secretary of State for permanent improvements made on the croft.

Compensation for improvements and compensation for deterioration or damage.

14.—(1) When a crofter renounces his tenancy or is removed from his croft, he shall, subject to the provisions of this Act, be entitled to compensation for any permanent improvement made on the croft if—

(*a*) the improvement is suitable to the croft; and

(*b*) the improvement was executed or paid for by the crofter or any of his predecessors in the tenancy; and

(*c*) either the improvement was executed otherwise than in pursuance of a specific agreement in writing under which the crofter was bound to execute the improvement or, if the improvement was executed in pursuance of such an agreement, the crofter has not received, by way of reduction of rent or otherwise, fair consideration for the improvement.

(2) Where—

(*a*) a person on becoming the tenant of a croft has with the consent of the landlord paid to the outgoing tenant any compensation due to him in respect of any permanent improvement and has agreed with the Secretary of State to assume any outstanding liability to the Secretary of State of the outgoing tenant in respect of any loan made to him; or

(*b*) on a person becoming the tenant of a croft the Secretary of State on his behalf has paid to the landlord a sum representing the value to such person of an existing improvement on the croft;

such person shall for the purposes of the foregoing subsection be deemed to have executed or paid for the improvement.

For the purposes of paragraph (*a*) of this subsection a landlord who has not paid the compensation due either to the outgoing tenant or to the Secretary of State and has not applied to the Secretary of State to determine under subsection (4) of section twenty-three of this Act that any amount due by him to the Secretary of State by virtue of subsection (3) of that section shall be deemed to be a loan by the Secretary of State to him shall be deemed to have given his consent.

(3) The provisions of subsection (1) of this section shall not apply to any buildings erected by a crofter in contravention of any interdict or other judicial order.

(4) An improvement shall be valued under this Act at such sum as fairly represents the value of the improvement to an incoming tenant.

(5) In fixing the amount of compensation payable under subsection (1) of this section for improvements there shall be taken into account and deducted from the compensation the value of any assistance or consideration which may be proved to have been given by the landlord or any of his predecessors in title in respect of any of the improvements.

(6) Where a crofter renounces his tenancy or is removed from his croft the landlord shall be entitled to recover from him compensation for any deterioration of, or damage to, any fixed equipment provided by the landlord committed or permitted by the crofter.

(7) The amount of the compensation payable under the last foregoing subsection shall be the cost, as at the date of the crofter's quitting the croft, of making good the deterioration or damage; and the landlord shall be entitled to set off the amount so payable against any compensation payable in respect of permanent improvements.

(8) The amount of the compensation payable under subsection (1) or subsection (6) of this section shall, failing agreement, be fixed by the Land Court.

(9) Where a crofter has given notice of renunciation of his tenancy, the Land Court may, on the joint application of the crofter and the landlord or, where the crofter's rights to compensation for permanent improvements have been transferred in whole or in part under section twenty-three of this Act to the Secretary of State, on the joint application of the Secretary of State and the landlord, assess prior to the renunciation the amounts which will on renunciation become due under this section by the landlord by way of compensation for permanent improvements and by the crofter by way of compensation for deterioration or damage; and the amounts so assessed shall, on renunciation, become due accordingly.

(10) Nothing in this Act shall affect the provisions of the Agricultural Holdings (Scotland) Act, 1949, with respect to the payment to outgoing tenants of compensation for improvements:

Provided that—

(*a*) where any improvements are valued under that Act with a view to the payment of compensation to a crofter, the valuation shall, unless the landlord and the crofter otherwise agree in writing, be made by the Land Court; and

(*b*) compensation shall not be payable under that Act for an improvement for which compensation is payable under this Act.

(11) Notwithstanding anything in this section, a crofter who immediately before the commencement of this Act was a statutory small tenant or the statutory successor of such a crofter shall not be entitled, in respect of any permanent improvement made or begun before the commencement of this Act, to any compensation to which he would not have been entitled if his tenancy had expired immediately before the commencement of this Act.

Administration of Crofts

Commission to obtain information and to compile register of crofts.

15.—(1) The Commission may by notice served on the owner or the occupier of any holding require him to furnish them with such information as may be specified in the notice with regard to the acreage, the rent and the tenure of the holding and with regard to such other matters relating to the ownership or the occupation of the holding as the Commission may reasonably require for the execution of their functions under this Act.

(2) It shall be the duty of the Commission to compile, and from time to time to revise, a register of crofts in such form and containing such particulars as may be approved by the Secretary of State.

(3) Where a landlord and a tenant agree, or where the Land Court decide, that the tenant of a holding is a crofter, it shall be the duty of the landlord in the case of such agreement, and of the Land Court in the case of such decision, forthwith to notify the Commission thereof.

(4) In the absence of agreement between the landlord and the tenant of a holding and of any decision by the Land Court that the tenant is a crofter, the Commission may, on such information as is available to them, decide whether or not to enter the holding in the register kept by them under this section as a croft, and shall give notice of their decision to the landlord and to the tenant; and unless within two months after the giving of such notice the landlord or the tenant applies to the Land Court for a declarator as to the status of the tenant, the decision of the Commission shall be final and conclusive on the matter.

(5) If any owner or occupier on whom a notice has been served under subsection (1) of this section—

(*a*) fails without reasonable cause or neglects to furnish to the Commission within three months after the service of the notice the information specified in the notice; or

(*b*) in furnishing such information as aforesaid knowingly or recklessly furnishes any information which is false in a material particular,

he shall be liable on summary conviction to a fine not exceeding ten pounds.

Vacant crofts.

16.—(1) Where—

(*a*) the landlord of a croft receives from the crofter a notice of renunciation of his tenancy or obtains from the Land Court an order for the removal of the crofter; or

(*b*) for any other reason the croft has become vacant;

the landlord shall within one month from the receipt of the notice or from the date on which the Land Court made the order or

the vacancy came to his knowledge, as the case may be, give notice thereof to the Commission.

(2) Where any croft is at the commencement of this Act vacant or the subject of a notice of renunciation or of an order of the Land Court for the removal of the crofter which has not yet taken effect, the landlord shall within three months after the commencement of this Act give notice to that effect to the Commission.

(3) The landlord of a croft shall not, except with the consent in writing of the Commission, or, if the Commission withhold their consent, with the consent of the Secretary of State, let the croft or any part thereof to any person; and any letting of the croft otherwise than with such consent shall be null and void.

(4) Where a croft is vacant the Commission may—

(*a*) in the case of a croft which is vacant at the commencement of this Act, at any time after the expiry of one month from the date on which notice of the vacancy is given under subsection (2) of this section, or after the expiry of four months from the commencement of this Act, whichever is the earlier;

(*b*) in any other case, at any time after the expiry of one month from the occurrence of the vacancy;

give notice to the landlord requiring him to submit to them his proposals for re-letting the croft, whether as a separate croft or as an enlargement of another croft, and if, within a period of two months from the giving of such notice, no such proposals are submitted or such proposals are submitted but the Commission refuse to approve them, the Commission may, if they think fit, themselves let the croft to such person or persons and on such terms and conditions (including conditions as to rent) as may be fixed by the Commission after consultation with the landlord; and such let shall have effect in all respects as if it had been granted by the landlord:

Provided that the Commission shall not themselves let the croft while an application to the Secretary of State under subsection (3) of this section for consent to let, or under subsection (9) thereof for a direction that the croft shall cease to be a croft, is under the consideration of the Secretary of State.

(5) Where a croft has been let on terms and conditions fixed by the Commission, the landlord may within one month from the date of the letting apply to the Land Court for a variation of the terms and conditions so fixed, and any variation made in pursuance of such application shall have effect as from the date of the letting.

(6) Where the Commission have under subsection (4) of this section let a vacant croft as an enlargement of another croft, and

any of the buildings on the vacant croft thereby cease to be required in connection with the occupation of the croft, the Commission shall give notice to that effect to the landlord, and thereupon—

(*a*) the buildings shall cease to form part of the croft; and

(*b*) the landlord may, at any time within six months after the giving of such notice, give notice to the Secretary of State requiring him to purchase the buildings.

(7) Where a croft has, in consequence of the making of an order under subsection (1) of section seventeen of this Act or under subsection (5) of section twenty-one thereof, become vacant and has remained unlet for a period of six months beginning with the date on which the croft so became vacant, the Secretary of State shall, if the landlord, at any time within three months after the expiry of the period aforesaid, gives notice to the Secretary of State requiring him so to do, direct that the croft shall cease to be a croft and shall purchase the buildings on the croft.

(8) Where a notice has been duly given under paragraph (*b*) of subsection (6) of this section or under the last foregoing subsection, the Secretary of State shall be deemed to be authorised to purchase the buildings compulsorily and to have served notice to treat in respect thereof on the date on which the notice aforesaid was given:

Provided that the consideration payable by the Secretary of State in respect of the purchase of the buildings shall be such sum as may be agreed by the Secretary of State and the landlord, or, failing agreement, as may be determined by the Land Court to be equal to the amount which an out-going tenant who had erected or paid for the erection of the buildings would have been entitled to receive by way of compensation for permanent improvements in respect of the buildings as at the date on which notice was given as aforesaid to the Secretary of State requiring him to purchase the buildings.

(9) Where a croft is vacant, the landlord may apply to the Secretary of State to direct that it shall cease to be a croft; and if the Secretary of State directs under this subsection or under subsection (7) of this section that a croft shall cease to be a croft, the provisions of this Act shall cease to apply to the croft, without prejudice, however, to the subsequent exercise of any powers conferred by any enactment for the constitution of new crofts or the enlargement of existing crofts.

(10) Any person who, being the landlord of a croft, fails to comply with the requirements of subsection (1) or subsection (2) of this section shall be liable on summary conviction to a fine not exceeding ten pounds.

(11) For the purposes of this section a croft shall be taken to be vacant at the commencement of this Act notwithstanding that it is occupied, if it is occupied otherwise than by a crofter and the consent of the Secretary of State to such occupation has not been obtained.

(12) The provisions of subsections (1) and (10) of this section shall not apply to a croft which the Commission have in the exercise of any power conferred on them by this Act declared to be vacant.

Absentee crofters.

17.—(1) If the Commission determine in relation to a croft—

(*a*) that the crofter is not ordinarily resident on, or within two miles of, the croft; and

(*b*) that it is in the general interest of the crofting community in the district in which the croft is situate that the tenancy of the crofter should be terminated and the croft let to some other person or persons;

then, subject to the provisions of this section, they shall have power to make an order terminating the tenancy of the crofter and requiring him to give up his occupation of the croft at a term of Whitsunday or Martinmas not earlier than three months after the making of such order.

(2) Before making an order under the foregoing subsection the Commission shall take into consideration all the circumstances of the case, including the extent, if any, to which the croft is being worked and, where the croft is being worked by a member of the crofter's family, the nature of the arrangements under which it is being so worked, and shall give to the crofter and to the landlord, not less than six months before the term at which the proposed order will take effect, notice that they propose to make such an order and shall afford to the crofter and the landlord an opportunity of making representations to them against the making of the proposed order.

Where the Commission make such an order, they shall, not less than three months before the term at which the order takes effect, give notice to the crofter and to the landlord of the making of the order.

(3) Where an order has been made under subsection (1) of this section and the crofter has failed to give up his occupation of the croft on or before the day on which the order takes effect, the sheriff on the application of the Commission shall, except on cause shown to the contrary, grant warrant for ejection of the crofter. The Commission may recover from the crofter the expenses incurred by them in any application under this subsection and in the execution of any warrant granted thereon.

(4) Where an order has been made under subsection (1) of this section in respect of a croft and the Commission are satisfied—

(*a*) that the crofter or any of his predecessors in the tenancy has provided or paid for the whole or the greater part of the dwelling-house thereon and that the crofter is entitled on the termination of his tenancy to compensation therefor as for an improvement; and

(*b*) that the dwelling-house will not be required after the termination of the tenancy in connection with any future occupation of the croft,

the Commission shall give notice to that effect to the crofter and to the landlord; and thereupon the crofter shall be entitled, if, not later than one month before the term at which the order takes effect, he gives notice in that behalf to the Commission and to the landlord, to obtain a conveyance in feu (under reservation of minerals) of the dwelling-house together with such suitable garden ground and such rights of access as the Commission may determine to be reasonable and on such terms as to feuduty and otherwise as may be agreed by the crofter and the landlord, or, failing agreement, as may be determined by the Commission to be reasonable.

(5) If the landlord does not within such period as the Commission may consider reasonable execute and deliver to the Commission at his own expense a conveyance for the purposes of the last foregoing subsection, or if he requests the Commission to prepare such a conveyance, the Commission shall themselves prepare the conveyance and shall submit it to the landlord for execution; and if the landlord for any reason fails within one month after the conveyance is so submitted to him to execute it and to return it to the Commission, the Commission may themselves in place of the landlord execute the conveyance. Any conveyance executed under this subsection shall be recorded by the Commission on behalf of the crofter in the appropriate Register of Sasines, and a conveyance executed as aforesaid by the Commission shall, on being so recorded, have the like force and effect in all respects as if it had been executed by the landlord.

A landlord shall have power to execute a valid conveyance under this subsection notwithstanding that he may be under any such disability as is mentioned in section seven of the Lands Clauses Consolidation (Scotland) Act, 1845.

(6) For the purposes of the last foregoing subsection the Commission may require the landlord or any other person having them in his possession to deliver to the Commission such documents as they may consider necessary for the preparation of the conveyance; and, if the landlord or such other person fails to

deliver such documents, the sheriff may on the application of the Commission make an order for the delivery of such documents to the Commission.

Where a person other than the landlord is infeft in the subjects to be conveyed, references in the last foregoing subsection and in this subsection to the landlord shall be construed as references to the landlord and such other person for their respective interests.

(7) Where a conveyance is executed and recorded under this section, any heritable security which immediately before the execution of such conveyance burdened the subjects conveyed shall, as from the date of recording, cease to burden the *dominium utile* of the subjects conveyed and shall burden only the superiority thereof; and, unless the creditors in right of any such security otherwise agree, the landlord shall pay to them according to their respective rights and preferences any sum paid to him in addition to feuduty as consideration under the next following subsection.

In this subsection the expression " heritable security " has the like meaning as in the Conveyancing (Scotland) Act, 1924, except that it includes a security constituted by *ex facie* absolute disposition.

(8) The consideration payable by the crofter in respect of the conveyance to him under this section of the dwelling-house and other pertinents shall be, in addition to any feuduty thereby exigible, such sum as may be agreed by the crofter and the landlord or, failing agreement, as may be determined by the Land Court to be the value to an incoming tenant as at the termination of the crofter's tenancy of any assistance or consideration given by the landlord or any of his predecessors in title in respect of the dwelling-house; and, where the dwelling-house and other pertinents are so conveyed to him, the crofter shall not be entitled to receive from the landlord on the termination of his tenancy any compensation for the dwelling-house as for an improvement.

(9) Subject to the provisions of the last foregoing subsection, a crofter shall, on the termination of his tenancy by an order made under subsection (1) of this section, be entitled to the like rights to, and subject to the like liabilities in respect of, compensation as if he had renounced his tenancy at the term at which the order takes effect.

(10) Where a crofter who has become entitled under subsection (4) of this section to obtain a conveyance of his dwelling-house is at the termination of his tenancy under any liability to the Secretary of State in respect of any loan, the amount outstanding in respect of such liability shall, if the Secretary of State on the application of the crofter so determines, be deemed as from the

recording of the conveyance to be a loan by the Secretary of State to him, and the provisions of the Third Schedule to this Act shall apply in relation to any such loan.

Aged crofters.

18.—(1) Where on the application of a crofter and after consultation with the landlord the Commission are satisfied—

(*a*) that the crofter is unable through illness or old age or infirmity properly to work his croft;

(*b*) that he is willing to renounce the tenancy of his croft subject to the conditions that he shall retain the occupation of the dwelling-house on the croft and that the ownership thereof shall become vested in him; and

(*c*) that it is in the general interest of the crofting community in the district in which the croft is situate that he should be authorised to renounce the tenancy of his croft subject to the conditions aforesaid;

the Commission may authorise him to renounce his tenancy accordingly. The Commission shall give notice to the landlord of any authorisation so granted.

(2) Where in pursuance of an authorisation under the foregoing subsection a crofter renounces his tenancy, he shall be entitled, if, not later than one month before the term at which the renunciation takes effect, he gives notice in that behalf to the Commission and to the landlord, to obtain a conveyance in feu (under reservation of minerals) of the dwelling-house with the like pertinents and on the like terms and conditions and in the like manner as if an order terminating his tenancy had been made under subsection (1) of the last foregoing section, and subsections (5) to (10) of that section shall, subject to any necessary modifications, apply accordingly.

(3) Where a conveyance in feu has been granted under this section the person to whom it is granted and the wife or husband of that person shall not, so long as either of them continues to occupy the subjects conveyed, be liable to pay by way of any rate levied by a county or town council in respect thereof any larger sum than would have been so payable if the subjects had continued to form part of the croft of which they formed part when the authorisation aforesaid was granted:

Provided that nothing in this subsection shall affect the liability of any person in respect of any domestic water rate leviable under the Water (Scotland) Act, 1949.

(4) Where a conveyance in feu has been granted under this section the person to whom it is granted and the wife or husband of that person shall, so long as either of them continues to occupy the subjects conveyed, continue to enjoy any right to cut and take peats for the use of those subjects which they enjoyed when the authorisation aforesaid was granted.

Reorganisation schemes.

19.—(1) If the Commission, whether on representations made to them by crofters resident in the township or otherwise and after making such inquiries as they may think fit, are satisfied that any township is in such a state of disorganisation or decay that it ought to be reorganised, they may, after consultation with any landlord proposed to be affected thereby, prepare a draft of a scheme (in this Act referred to as a "reorganisation scheme") for the reorganisation of the township.

(2) A reorganisation scheme shall provide for the re-allocation of the land in the township in such manner as is, in the opinion of the Commission, most conducive to the proper and efficient use thereof and to the general benefit of the township, so, however, that—

(*a*) any crofter ordinarily resident in the township shall be entitled, if he so wishes, to continue to occupy a croft which includes the dwelling-house occupied by him as a crofter at the time at which the scheme comes into effect; and

(*b*) no crofter ordinarily resident in the township who is able and willing to cultivate a croft shall be provided under the scheme with a croft of less value than the croft of which he is tenant at the time at which the scheme comes into effect;

and shall show in detail the effects of the scheme on each of the crofts constituting the township to which the scheme applies and on any common grazings attached thereto.

(3) A reorganisation scheme may, if the Commission think fit, make provision with respect to all or any of the following matters, that is to say—

(*a*) the apportionment of all or of any part of any common grazing for the exclusive use of individual crofts;

(*b*) the inclusion in the scheme of any land in the vicinity of the township which in the opinion of the Commission ought to be used for the enlargement of crofts in the township;

(*c*) the admission into the township of new crofters and the allocation to them of shares in the common grazing;

(*d*) the omission from any share in the re-allocation of the land in the township of any crofter not ordinarily resident therein;

(*e*) any other matters incidental to or consequential on the provisions of the scheme;

and where, in the opinion of the Commission, the carrying-out of any works involving capital expenditure will be required for the purpose of giving proper effect to the scheme, the scheme shall specify such works.

(4) Where the Commission are satisfied as mentioned in subsection (1) of this section with respect to a township, they shall prepare a list showing the crofts in the township, the names of the persons who are respectively the tenants and the landlords of those crofts, and which of the persons entered as tenants are ordinarily resident in the township, and shall serve a copy of the list on each of such tenants and landlords and shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the area in which the township is situate a notice—

(*a*) stating that the list has been prepared and the general effect thereof;

(*b*) specifying a place in or near the township where a copy of the list may be seen at all reasonable hours; and

(*c*) specifying the period (not being less than twenty-one days) within which and the manner in which objections to the list may be made.

(5) If within the period specified under paragraph (*c*) of the last foregoing subsection an objection is duly made to the Commission by any person affected by the list, they shall afford to that person an opportunity of making representations to them, and may thereafter confirm the list, with or without modifications, and shall publish in the manner specified in the last foregoing subsection a notice stating that the list has been confirmed and specifying a place in or near the township where a copy of the list may be seen at all reasonable hours.

Subject to the next following subsection, the list as so confirmed shall, for the purposes of the proceedings to be taken under the following provisions of this section with respect to the scheme, be final and conclusive as to the matters contained in such list.

(6) Any person aggrieved by reason of his not being shown in the list as so confirmed as the tenant of a croft in the township or as being ordinarily resident in the township may, within one month after the first publication of the notice mentioned in the last foregoing subsection, appeal to the sheriff. The decision of the sheriff on the matter shall be final and conclusive, and the Commission shall make any modification in the list which may be necessary to give effect to the decision.

(7) The Commission shall submit to the Secretary of State the draft scheme prepared by them as aforesaid, together with such maps, plans, documents and other information as they may deem necessary, or as the Secretary of State may require, for the purpose of informing the Secretary of State of the general purport and effect of the scheme and in particular of the effect of the scheme on each of the crofts in the township to which it applies.

(8) The Secretary of State shall serve a copy of the draft scheme submitted to him as aforesaid on each of the landlords proposed to be affected thereby and on the owner and the occupier of any land proposed to be used for the enlargement of crofts and shall afford to any such landlord, owner or occupier an opportunity of making representations to him with respect to the scheme, and if—

(*a*) the draft scheme contains provisions for the inclusion in the scheme of land in the vicinity of the township for the enlargement of crofts in the township, or for the carrying out of works involving capital expenditure; and

(*b*) objection to such provisions is made within one month after the service on him of a copy of the draft scheme by any such landlord, owner or occupier and is not withdrawn;

shall cause a public local inquiry to be held, and shall take into consideration the objection and the report of the person who held the inquiry, and thereafter may approve the draft scheme with or without modifications. The provisions of subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall apply in relation to a local inquiry under this subsection as they apply in relation to inquiries under that section.

(9) If the Secretary of State approves the draft scheme he shall remit it to the Land Court to assess the sums which, if the scheme is put into effect, will become payable—

(*a*) to each crofter by way of compensation for permanent improvements on the termination of the tenancy of his croft on the coming into effect of the scheme;

(*b*) by each person (whether or not he was the tenant of a croft in the township immediately before the coming into effect of the scheme) who becomes the tenant of a croft under the scheme in respect of the permanent improvements on the croft; and

(*c*) by way of rent in respect of each of the new crofts to be formed by the re-allocation proposed by the draft scheme.

Any assessment made under this subsection shall be provisional only and shall, after the scheme has been put into effect, be subject to adjustment by the Land Court on the application of any interested party.

(10) Where the Secretary of State has approved the draft scheme, the Commission shall serve on each of the persons appearing from the list confirmed under subsection (5) of this

section to be the landlord or the tenant of a croft in the township a copy of the draft scheme together with a notice—

(*a*) specifying the sums assessed under the last foregoing subsection which will, subject to the provisions of that subsection, be payable to or by the crofter under paragraphs (*a*) and (*b*) of that subsection and by way of rent in respect of the croft proposed to be allocated to the crofter; and

(*b*) requiring each crofter ordinarily resident in the township within two months after the date of the service on him of the notice to intimate to the Commission whether he is in favour of the scheme or not.

(11) If within the period of two months aforesaid a majority of the crofters ordinarily resident in the township have intimated to the Commission that they are in favour of the scheme, the Commission shall report accordingly to the Secretary of State, and thereupon the Secretary of State may by order confirm the scheme.

(12) For the purposes of the last foregoing subsection any crofter ordinarily resident in the township on whom a copy of the draft scheme has been served shall, unless within two months after the date of such service he intimates to the Commission that he objects to the scheme, be deemed to have intimated that he is in favour of the scheme.

Provisions as to putting into effect of reorganisation schemes.

20.—(1) Where a reorganisation scheme confirmed by the Secretary of State provides for the carrying out of any works involving capital expenditure, the Secretary of State shall serve on every owner of land on which such works are to be carried out a copy of the scheme and of the order confirming it together with a notice requiring him within two months to enter into an undertaking that he will at his own expense carry out such works within such period as may be specified in the notice.

(2) If an owner on whom a notice has been served under the foregoing subsection fails within two months to enter into such an undertaking as aforesaid or, having entered into such an undertaking, fails to carry out within the period specified in the notice such works to the reasonable satisfaction of the Secretary of State, the Secretary of State shall be deemed to be authorised to purchase compulsorily any land belonging to that owner to which the scheme applies.

(3) Where a reorganisation scheme confirmed by the Secretary of State provides for the inclusion in the scheme of land in the vicinity of the township for the enlargement of crofts in the township, the Secretary of State shall serve a copy of the scheme and of the order confirming it on the owner and the occupier of such land, and shall also serve on the owner of such

land a notice requiring him within two months to enter into an undertaking that he will within such period as may be specified in the notice let the land in accordance with the provisions of the scheme.

(4) Where a copy of the scheme and of the order confirming it and such a notice as aforesaid have been served under the last foregoing subsection, then—

(*a*) where the occupier of such land is not the owner thereof, the interest of the occupier in the land shall terminate on the expiry of three months from the date on which a copy of the scheme and of the order confirming it were served on him, and he shall be entitled to receive from the Secretary of State the like compensation as if his interest in the land had been compulsorily acquired by the Secretary of State; and

(*b*) if the owner of such land fails within two months to enter into such an undertaking as aforesaid or, having entered into such an undertaking, fails within the period specified in the notice to let the land in accordance with the provisions of the scheme, the Secretary of State shall be deemed to be authorised to purchase the land compulsorily.

(5) Where a reorganisation scheme has been confirmed by the Secretary of State it shall be the duty of the Commission to put the scheme into effect, and the Commission may, subject to the provisions of this Act and to any directions in that behalf given to them by the Secretary of State, do all such things as may be required for that purpose.

(6) The Commission may put into effect the provisions of a reorganisation scheme on such date as they may appoint, and different dates may be appointed for different provisions.

(7) For the purpose of putting into effect the provisions of a reorganisation scheme with respect to the re-allocation of the land in the township, the Commission shall serve on the tenant and on the landlord of every croft to which the scheme applies a notice specifying the effect of the provisions of the scheme and the date on which the provisions of the scheme with respect to re-allocation are to take effect; and where such notices have been served—

(*a*) every crofter shall be deemed to have duly given notice terminating the tenancy of his croft as at the date specified in the notice; and

(*b*) on that date each person to whom a croft is allocated under the scheme shall become the tenant of the croft so allocated to him.

(8) Where—

(*a*) a crofter is by a reorganisation scheme omitted from any share in the re-allocation of land in the township; and

(*b*) the crofter or any of his predecessors in the tenancy has provided or paid for the whole or the greater part of the dwelling-house occupied by him and is entitled on the termination of his tenancy to compensation therefor as for an improvement; and

(*c*) the dwelling-house occupied by the crofter will not under the provisions of the scheme be required in connection with the future occupation of a croft in the township;

the crofter shall be entitled, if, not later than one month before the date specified in the notice served on him under the last foregoing subsection as the date on which the provisions of the scheme with respect to re-allocation are to take effect, he gives notice in that behalf to the Commission and to the landlord, to obtain a conveyance in feu (under reservation of minerals) of the dwelling-house with the like pertinents and on the like terms and conditions and in the like manner as if an order terminating his tenancy had been made under subsection (1) of section seventeen of this Act, and subsections (5) to (10) of that section shall, subject to any necessary modifications, apply accordingly.

(9) Where any buildings situate on land subject to a reorganisation scheme will, on the putting into effect of the scheme, cease to be required in connection with the occupation of that land, the Commission shall give notice to that effect to the landlord, and thereupon, subject to the provisions of the last foregoing subsection, the provisions of subsections (6) and (8) of section sixteen of this Act shall apply in relation to such buildings as they apply in relation to the buildings mentioned in the said subsections.

(10) The owner of any land which is subject to any provision contained in a reorganisation scheme may within two months after the date on which notice is served under subsection (7) of this section with respect to the land give notice to the Secretary of State requiring him to purchase the land, and thereupon the Secretary of State shall be deemed to be authorised to purchase the land compulsorily and to have served notice to treat in respect thereof on the date on which notice was given as aforesaid by the owner.

Any purchase of land under this subsection shall be deemed to be completed immediately before the date on which the scheme is put into effect or, where different days are appointed for the putting into effect of different provisions, immediately before the first of such dates, and the Secretary of State shall

accordingly as the landlord of such land be liable to pay and entitled to receive any compensation for permanent improvements which may become payable on the putting into effect of the scheme.

Duty of crofter to work croft in accordance with rules of good husbandry.

21.—(1) It shall be the duty of every crofter to work his croft in accordance with the rules of good husbandry and to provide such fixed equipment on his croft as may be necessary to enable him to do so.

(2) The provisions of the Fourth Schedule to this Act shall have effect for the purpose of determining for the purposes of this section whether a crofter is fulfilling his duty to work his croft in accordance with the rules of good husbandry.

(3) Where the Commission are satisfied that a crofter is not fulfilling the duty imposed on him by subsection (1) of this section, they may, after affording to him an opportunity of making representations to them, serve on him a notice (in this section referred to as a "warning notice") to that effect. A warning notice shall specify the general grounds on which the Commission are satisfied as aforesaid; and so long as such notice continues in force the Commission may from time to time by notice served on the crofter give to him such directions as they are satisfied are required to secure that he fulfils the duty imposed on him by subsection (1) of this section.

(4) While a warning notice is in force the Commission shall within twelve months from the date on which it was served and thereafter at intervals of not more than twelve months while it is in force review the working of the croft, and if they are satisfied that it is no longer necessary that the warning notice should continue in force, they shall withdraw it and shall give notice to the crofter that they have done so, or if they are not so satisfied they shall give notice to the crofter that the warning notice is to continue in force:

Provided that the withdrawal of the warning notice shall not affect any direction given thereunder in so far as it is in force immediately before the withdrawal of the notice.

(5) Where a warning notice is and has for an immediately preceding period of not less than twelve months been in force in relation to a croft, and the Commission are satisfied that the working of the croft has not shown satisfactory improvement, they shall have power to make an order terminating the crofter's tenancy of the croft at the next following term of Whitsunday or Martinmas not earlier than six months after the date of such order.

(6) The Commission shall not make an order under the last foregoing subsection until, after affording to the crofter an opportunity of making representations to them, they have given to the

crofter notice of the proposal to make the order together with such particulars as appear to them requisite for informing the crofter of the general grounds on which they are satisfied as mentioned in the said subsection.

A crofter to whom notice of a proposal is given under this subsection may require that the proposal shall be referred to the Land Court, and the provisions of section seventy-one of the Agriculture (Scotland) Act, 1948, and of any regulations made thereunder shall apply to a reference under this section as they apply to a reference under that Act, with the substitution, however, for references to the Secretary of State of references to the Commission.

(7) Before making an order under subsection (5) of this section the Commission shall take into consideration the general circumstances of the crofter, including his employment, if any, in one or more of the occupations commonly followed as subsidiary or auxiliary to the cultivation of a croft, and the need of the crofter for the croft as a place of residence.

(8) The Commission shall forthwith give notice of the making of an order under this section to the crofter, and thereupon the like consequences shall ensue as if the crofter had duly given notice terminating his tenancy of the croft as at the term specified in the order; and if the crofter fails to give up his occupation of the croft in accordance with an order made under this section subsection (3) of section seventeen of this Act shall apply as it applies where a crofter fails to give up the occupation of a croft in accordance with an order made under subsection (1) of that section.

(9) The Commission shall send to the landlord of a croft a copy of any notice given by them under this section to the tenant of the croft.

Power of Secretary of State to give financial assistance to crofters.

22.—(1) For the purpose of aiding and developing agricultural production on crofts the Secretary of State may, after consultation with the Commission and with the approval of the Treasury, make schemes for providing grants and loans to crofters, and any such schemes may provide for the administration of such grants and loans through the agency of the Commission.

Any scheme under this subsection shall be embodied in a statutory instrument which shall be laid before Parliament after being made.

(2) The Secretary of State may, in accordance with arrangements made by him with the approval of the Treasury, provide assistance by way of grants or loans or by the supply for payment in cash of building or other materials towards the erection or improvement or rebuilding of dwelling-houses and other buildings for crofters.

(3) The Secretary of State may, in accordance with arrangements made by him with the approval of the Treasury, provide assistance by way of loan to the incoming tenant of a croft to enable him to pay to the outgoing tenant of the croft or to the landlord thereof the compensation for permanent improvements due to such outgoing tenant.

(4) 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 forty years) as may be specified in the regulations;

(*b*) for securing that in the event of a breach of any of the conditions the Secretary of State 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*) of this subsection bears to the last-mentioned period, together with interest on such sum from the date on which the grant was made at such 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 Secretary of State by such person as may be specified in the regulations of such amount as may be so specified;

(*d*) for applying, subject to any necessary modifications, in relation to a dwelling-house or building towards the erection, improvement or rebuilding of which a grant has been made under this section, the provisions of subsections (1) to (3) of section one hundred and three of the Housing (Scotland) Act, 1950 (which restrict the compensation payable in respect of improvements, and prohibit increases in the rents of houses in respect of which assistance has been granted under section one hundred of that Act);

(*e*) 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 appropriate Register of Sasines 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, the Secretary of State shall cause to be so recorded a notice in a form prescribed

as aforesaid stating that the conditions no longer apply to the dwelling-house or building;

(*f*) for such other incidental and supplementary matters as appear to the Secretary of State to be requisite or expedient for the purposes aforesaid.

(5) No assistance by way of grant shall be given under subsection (2) of this section towards the erection, improvement or rebuilding of any dwelling-house or other building if assistance out of public moneys by way of grant or subsidy has been given under any other enactment towards such erection, improvement or rebuilding.

(6) For the purposes of subsection (2) of this section the occupier of a holding constituted under the Congested Districts (Scotland) Act, 1897, on land acquired by the Congested Districts (Scotland) Commissioners, who is also the owner of the holding, shall be deemed to be a crofter.

(7) A person shall not be disqualified for receiving assistance under subsection (2) of this section 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.

(8) Subsection (8) of section one hundred and subsection (6) of section one hundred and eleven of the Housing (Scotland) Act, 1950, and subsection (5) of section three of the Housing (Scotland) Act, 1952 (which subsections prohibit the giving of assistance under the said sections in respect of the provision or improvement of a house if assistance has been given in respect thereof under any of the enactments respectively mentioned in the said subsections), shall have effect as if any reference therein to section seventy-seven of the Agriculture (Scotland) Act, 1948, included a reference to subsection (2) of this section.

Supplementary provisions as to loans.

23.—(1) Where assistance is given under subsection (2) or subsection (3) of the last foregoing section by way of loan, the following provisions of this section shall have effect.

(2) The Secretary of State shall give notice to the landlord of the giving of any such assistance as aforesaid.

(3) The agreement for the loan shall be recorded in the Crofters Holdings Book and as recorded shall have the effect of transferring to the Secretary of State all rights of the crofter and his statutory successors to compensation for permanent improvements up to the amount of any outstanding liability to the Secretary of State.

(4) Any amount due by virtue of subsection (3) of this section to the Secretary of State by the landlord may, if the Secretary of

State on the application of the landlord so determines, be deemed to be a loan by the Secretary of State to the landlord, and the provisions of the Third Schedule to this Act shall apply in relation thereto.

(5) Where the outgoing tenant of a croft is under any liability to the Secretary of State in respect of a loan made to him, the Secretary of State and the incoming tenant may agree that the latter shall assume such liability, and if they so agree the amount thereof shall be deemed to be a loan made to the incoming tenant under subsection (3) of the last foregoing section, and this section shall have effect accordingly.

(6) The provisions of the Third Schedule to this Act shall apply in relation to any loan made by virtue of subsection (6) or subsection (7) of the last foregoing section.

Common Grazings

Appointment, etc., of grazings committee or grazings constable.

24.—(1) The crofters who share in a common grazing may from time to time, at a public meeting called in accordance with the next following subsection, appoint a grazings committee of such number as the meeting shall decide.

(2) Notice of a meeting for the appointment of a grazings committee may be given by any two crofters interested in the common grazing and shall be given by notice published in each of two successive weeks in one or more newspapers circulating in the district in which the township is situate or by notice posted for two successive weeks on or near the door of every place of worship and every public school in that district.

Any dispute arising as to the sufficiency of any notice given under this subsection shall be determined by the Commission.

(3) If the crofters who share in a common grazing fail at any time to appoint a grazings committee, the Commission may, after making such inquiry, if any, as they may deem necessary, appoint a grazings committee, or may appoint a person to be grazings constable; and a committee or constable so appointed shall have the like powers and duties as a grazings committee appointed under subsection (1) of this section.

(4) The term of office of the members of a grazings committee appointed under this section shall be three years, and at the expiry of that period a new grazings committee shall be appointed as aforesaid. A retiring member of a committee shall be eligible for re-election.

(5) A majority of the members of a grazings committee shall be a quorum; and any vacancy occurring in the membership of a grazings committee by reason of the death or resignation of a member shall be filled by nomination of the remaining members.

(6) A grazings committee appointed under subsection (1) of this section, or in the case of a grazings committee appointed under subsection (3) thereof the Commission, shall appoint some person, whether a member of the committee or not, to be the clerk of the committee.

(7) The term of office of a grazings constable appointed by the Commission under subsection (3) of this section shall be such as may be specified in the instrument by which he is appointed, and he shall receive such annual remuneration as the Commission may determine; and such remuneration shall be defrayed by an assessment levied in such manner as the Commission may deem reasonable on the crofters who share in the common grazing.

(8) If the Commission are satisfied, after making such inquiry, if any, as they may deem necessary, that any or all of the members or the clerk of a grazings committee (however appointed under this section) are not properly carrying out the duties imposed on them under this Act, the Commission may remove from office any or all such members or such clerk and may appoint or provide for the appointment of other persons (whether crofters or not) in their or his place.

Powers and duties of grazings committees.

25.—(1) It shall be the duty of a grazings committee—

(*a*) to maintain the common grazings and the fixed equipment required in connection therewith;

(*b*) to carry out works for the improvement of such grazings and equipment;

(*c*) to make and administer, with a view to their due observance, regulations (in this Act referred to as "common grazings regulations") with respect to the management and use of the common grazings:

Provided that the committee shall not, in the performance of the duty imposed on them by paragraph (*b*) of this subsection, carry out any works otherwise than with the consent of a majority of the crofters ordinarily resident in the township and with the approval of the Commission.

(2) A person appointed by the Commission shall have power to summon and to attend any meeting of a grazings committee for the purpose of advising them and otherwise assisting them in the performance of their duties.

Common grazings regulations.

26.—(1) Every grazings committee shall, as soon as may be after the commencement of this Act, and in any event within six months after being required by the Commission so to do, make and submit to the Commission new common grazings regulations.

(2) Without prejudice to the generality of the power conferred on a grazings committee by paragraph (*c*) of subsection (1) of the last foregoing section, common grazings regulations shall make provision with respect to the following matters:—

(*a*) the recovery by the grazings committee from the crofters sharing in the common grazings of all expenses incurred by the committee in maintaining the common grazings and in maintaining or replacing any fixed equipment required in connection therewith;

(*b*) the recovery by the grazings committee from the crofters consenting to the carrying out of works for the improvement of the common grazings or the fixed equipment required in connection therewith of the expenses incurred by the grazings committee in carrying out such works;

(*c*) the number and the kind of stock which each crofter is entitled to put on the common grazings;

(*d*) the alteration of individual soumings where works for the improvement of the common grazings or the fixed equipment required in connection therewith have been carried out and all the crofters have not contributed to the expenses incurred in carrying out such works;

(*e*) where appropriate, the cutting of peats and the collection of seaweed;

(*f*) subject to the provisions of this Act, the summoning of meetings of the grazings committee and the procedure and conduct of business at such meetings.

(3) Common grazings regulations made by a grazings committee shall be of no effect unless confirmed by the Commission. The Commission may confirm with or without modification or refuse to confirm any common grazings regulations submitted to them for confirmation, and may fix the date on which the regulations are to come into operation; and if no date is so fixed, the regulations shall come into operation at the expiration of one month from the date of their confirmation.

(4) If a grazings committee fail within the time limited by subsection (1) of this section to make and submit to the Commission common grazings regulations or to make and submit to the Commission common grazings regulations which in the opinion of the Commission are sufficient and satisfactory, the Commission may themselves make such common grazings regulations, which shall have the like force and effect as if they had been made by the grazings committee and confirmed by the Commission.

(5) A grazings committee may from time to time, and, if so required by the Commission, shall within the time limited by such requirement, make further regulations amending the common

grazings regulations for the time being in force, and the provisions of the last two foregoing subsections shall apply to any such amending regulations subject to any necessary modifications.

(6) Before confirming, making or amending regulations in accordance with the foregoing provisions of this section, the Commission shall consult the landlord of the common grazings to which the regulations relate; and the Commission shall send a copy of any regulations so confirmed, made or amended to the landlord and to the grazings committee.

(7) Common grazings regulations for the time being in force under this section shall have effect notwithstanding anything contrary thereto or inconsistent therewith contained in any lease or other agreement, whether entered into before or after the coming into force of such regulations.

Miscellaneous provisions as to common grazings, as to lands held runrig, and as to use by crofters of peat bogs, etc.

27.—(1) Any person who contravenes or fails to comply with any common grazings regulations for the time being in force under the last foregoing section of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding forty shillings, and in the case of a continuing offence to a further fine not exceeding five shillings for each day on which the offence is continued after the grazings committee or the Commission have served notice on him warning him of the offence.

(2) Where it is prescribed by the common grazings regulations applicable to the common grazings of a township that the right of a crofter to share in such grazings shall be conditional on his making his croft available during the winter season for the accommodation of any stock belonging to other persons sharing in such grazings, any crofter may apply to the grazings committee for their consent to the exclusion of such stock from his croft or from part thereof, and if he is dissatisfied with the decision of the committee on such application he may appeal therefrom to the Commission.

Any consent given under this subsection by a grazings committee or, on appeal, by the Commission may be given subject to such conditions, if any, as the committee or the Commission, as the case may be, may think proper.

(3) The Commission may, on the application of any crofters interested, after consultation with the grazings committee, apportion a common grazing shared by two or more townships into separate parts for the exclusive use of the several townships.

(4) The Commission may, on the application of any crofter interested, after consultation with the grazings committee, apportion a part of a common grazing for the exclusive use of the crofter so applying.

(5) Notwithstanding anything in the Ground Game Act, 1880, it shall be lawful for the crofters interested in a common grazing or in a part of a common grazing apportioned under subsection (3) of this section—

(*a*) to appoint not more than two of their number; and

(*b*) to authorise in writing one person bona fide employed by them for reward,

to kill and take ground game on the common grazing or the part thereof, as the case may be; and for the purposes of the said Act of 1880 any person appointed as aforesaid shall be deemed to be the occupier of the common grazing or the part thereof, but shall not have the right to authorise any other person to kill and take ground game, and any person authorised as aforesaid shall be deemed to have been authorised by the occupier of the common grazing or the part thereof to kill and take ground game with firearms or otherwise.

(6) Any person who, not being a crofter, shares or is entitled to share in a common grazing along with crofters shall for the purposes of the provisions of this Act relating to common grazings be deemed to be a crofter.

(7) The Commission may, on the application of any landlord or crofter interested, apportion lands held runrig among the holders thereof in such manner as appears to the Commission in the circumstances of the case to be just and expedient.

(8) The Commission may draw up a scheme regulating the use by crofters on the same estate of peat bogs, or of seaweed for the reasonable purposes of their crofts, or of heather or grass used for thatching purposes, and the charge for the use of all or any of these may be included in the rents fixed for the crofts.

Cottars

Provisions as to cottars.

28.—(1) When a cottar if not paying rent is removed from his dwelling and any land or buildings occupied by him in connection therewith, or if paying rent renounces his tenancy or is removed, he shall be entitled to compensation for any permanent improvement if—

(*a*) the improvement is suitable to the subject; and

(*b*) the improvement was executed or paid for by the cottar or any of his predecessors in the same family; and

(*c*) either the improvement was executed otherwise than in pursuance of a specific agreement in writing under which the cottar was bound to execute the improvement, or, if the improvement was executed in pursuance of such an agreement, the cottar has not received, by way of reduction of rent or otherwise, fair consideration for the improvement.

(2) The amount of the compensation payable under the foregoing subsection shall, failing agreement, be fixed by the Land Court, and the provisions of subsections (3), (4) and (5) of section fourteen of this Act (which relates to compensation to crofters for improvements) shall apply in relation to cottars as it applies in relation to crofters.

(3) The Secretary of State shall have the like powers to provide assistance by way of loan, grant and the supply of building or other materials 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 (2), (4), (5) and (7) of section twenty-two of this Act shall apply accordingly.

(4) In this section—

"cottar" means the occupier of a dwelling-house situate in the crofting counties with or without land who pays no rent, or the tenant from year to year of a dwelling-house situate as aforesaid who resides therein and who pays therefor an annual rent not exceeding six pounds in money, whether with or without garden ground but without arable or pasture land;

"predecessors in the same family" means in relation to a cottar the wife or husband of the cottar and any person to whom the cottar or the wife or husband of the cottar might, failing nearer heirs, have succeeded in case of intestacy.

Miscellaneous and General Provisions

Service of notices.

29.—(1) Any notice for the purposes of this Act shall be in writing, and any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him or left at his proper address or sent to him by post.

(2) Where any notice or other document is to be given to or served on a person as being the person having any interest in land and it is not practicable after reasonable inquiry to ascertain his name or address, the notice or document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it) and delivering the notice or document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

Provisions as to entry and inspection.

30.—(1) Any person authorised by the Secretary of State or the Commission in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers

conferred on the Secretary of State or the Commission by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.

(2) Any person authorised as aforesaid who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.

(3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid unless in the case of land being used for residential purposes seven days, or in the case of any other land twenty-four hours, notice of the intended entry has been given to the occupier of the land.

(4) Any person who obstructs any person authorised by the Secretary of State or the Commission exercising any such power as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

Building grants and loans to owner-occupiers of like economic status as crofters.

31.—(1) The Secretary of State shall have the like powers to provide assistance by way of loan, grant and the supply of building or other materials for the erection, improvement or rebuilding of buildings other than dwelling-houses for owners of holdings to which this section applies as he has to provide assistance for the erection, improvement or rebuilding of such buildings for crofters; and subsections (2), (4) and (5) of section twenty-two of this Act shall apply accordingly.

(2) This section applies to any holding which—

(*a*) is situate in the crofting counties; and

(*b*) is either a holding of which the area does not exceed fifty acres or a holding of which the annual value does not exceed fifty pounds; and

(*c*) is owned by a person who in the opinion of the Secretary of State is of substantially the same economic status as a crofter; and

(*d*) is occupied by the owner thereof.

(3) The provisions of the Third Schedule to this Act shall apply in relation to any loan made to the owner of a holding under this section.

Provisions as to compulsory purchase of land and as to management of land.

32.—(1) Where by virtue of any provision of this Act the Secretary of State is deemed to be authorised to purchase land compulsorily, then in relation to any such compulsory purchase the Lands Clauses Acts and other enactments mentioned in Part I of the Second Schedule to the Acquisition of Land (Authorisation

Procedure) (Scotland) Act, 1947, shall be incorporated in accordance with the provisions of the said Part I as if the Secretary of State had been authorised under section one of that Act to purchase the land compulsorily; and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall have effect in relation to any such compulsory purchase subject to the provisions of Part II of that Schedule, of the proviso to subsection (8) of section sixteen of this Act and of the next following subsection.

(2) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of subsection (8) of section sixteen of this Act or of subsection (10) of section twenty thereof.

(3) The Secretary of State may manage, farm, sell, let or otherwise deal with or dispose of land acquired by him under this Act in such manner as appears to him expedient for the purpose for which it was acquired.

Provisions as to representations.

33.—(1) Any enactment in this Act providing, in relation to the taking of any action by the Secretary of State, for his taking the action after affording to a person an opportunity of making representations to the Secretary of State shall be construed as a provision that the Secretary of State shall comply with the following requirements.

(2) The Secretary of State shall give notice to the said person specifying the matter under consideration and informing him of the effect of the next following subsection.

(3) A person to whom notice is given as aforesaid may within the time specified in the notice make representations to the Secretary of State in writing, and, whether or not representations are made to the Secretary of State in writing, may within the time so specified require that an opportunity be afforded to him of being heard by a person appointed by the Secretary of State for the purpose; and, if he so requires, such an opportunity shall be afforded to him and, on the same occasion, to any other person to whom under the enactment referred to in subsection (1) of this section the Secretary of State is required to afford such an opportunity, and the Secretary of State shall not take action in relation to the matter until he has considered any representations made as aforesaid.

(4) Where any enactment in this Act provides in relation to the taking of any action by the Commission for their taking the action after affording to a person an opportunity of making representations to them, the provisions of this section shall have effect in relation thereto with the substitution for references to the Secretary of State of references to the Commission.

Determination of disputes, etc.

34.—(1) The provisions of the Landholders Acts with regard to the Land Court shall, with any necessary modifications, apply for the determination of any matter which they are required by or under this Act to determine, in like manner as those provisions apply for the determination by the Land Court of matters referred to them under those Acts.

(2) The Commission may, whether on the application of any person having an interest or otherwise, and shall, if so directed by the sheriff, state a case for the opinion of the sheriff on any question of law arising in the course of the determination of any matter which under this Act they are required to determine or in connection with the exercise by them of any function conferred on them by this Act; and the decision of the sheriff thereon shall be final and conclusive.

Financial provisions.

35.—(1) The expenses of the Commission shall be defrayed by the Secretary of State.

(2) All expenses incurred by the Secretary of State under the provisions of this Act shall be defrayed out of moneys provided by Parliament.

(3) All sums received by the Secretary of State under the provisions of this Act shall be paid into the Exchequer.

Regulations.

36. Any regulations made by the Secretary of State under this Act shall be embodied in a statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation.

37.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them—

" the Act of 1886 " means the Crofters Holdings (Scotland) Act, 1886;

" the Act of 1911 " means the Small Landholders (Scotland) Act, 1911;

" croft " and " crofter " have the meanings assigned to them respectively by section three of this Act;

" the Crofters Holdings Book " has the meaning assigned to it by section thirty-nine of this Act;

" crofting counties " means the counties of Argyll, Caithness, Inverness, Orkney, Ross and Cromarty, Sutherland and Zetland;

" fixed equipment " has the like meaning as in the Agricultural Holdings (Scotland) Act, 1949;

" functions " includes powers and duties;

" Land Court " means the Scottish Land Court;

" the Landholders Acts " means the Small Landholders (Scotland) Acts, 1886 to 1931;

" landlord " means any person for the time being entitled to receive the rents and profits, or to take possession, of a croft;

" permanent improvement " means any of the improvements specified in the Fifth Schedule to this Act;

" prescribed " means prescribed by regulations made by the Secretary of State;

" predecessors in the tenancy " means in relation to a crofter the persons who before him have been tenants of the croft since it was last vacant;

" statutory successor " means any person who under this Act has succeeded or may succeed to a croft whether as heir-at-law, legatee or assignee of his immediate predecessor being a crofter in occupation of the croft;

" Whitsunday " and " Martinmas " mean respectively the twenty-eighth day of May and the twenty-eighth day of November.

(2) For the purposes of this Act a crofter shall be deemed to be ordinarily resident in a township if he is ordinarily resident within two miles of a croft which is comprised in the township and of which he is tenant.

(3) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

Application of Act and modification of enactments in relation to the crofting counties.

38.—(1) This Act shall apply to land an interest in which belongs to Her Majesty in right of the Crown and land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department; but in its application to any land an interest in which belongs or is held as aforesaid this Act shall have effect subject to such modifications as may be prescribed.

(2) Subject to the provisions of the two next following subsections, references in any enactment (other than this Act) or in any instrument to a landholder or statutory small tenant and to a holding within the meaning of the Landholders Acts and to the Landholders Acts shall, unless the context otherwise requires, be construed in the application of that enactment to the crofting counties respectively as references to a crofter and to a croft within the meaning of this Act, and as including a reference to this Act.

(3) The enactments specified in Part I of the Sixth Schedule to this Act shall cease to apply to the crofting counties to the extent specified in the second column of the said Part I.

(4) The enactments specified in Part II of the Sixth Schedule to this Act shall in their application to the crofting counties have effect subject to the modifications specified in the second column of the said Part II.

Transitional provisions and savings.

39.—(1) The tenancy of a crofter under this Act shall, in the case of every person who at the commencement of this Act became a crofter, be deemed, so far as is consistent with the provisions of this Act, to be a continuance of his tenancy as a landholder or a statutory small tenant, and all contracts and other instruments shall be read and construed accordingly.

(2) The book (heretofore called the "Landholders Holdings Book") kept in pursuance of section twenty-seven of the Act of 1886, shall in the crofting counties be called the "Crofters Holdings Book".

(3) Where the rent payable for a croft which was immediately before the commencement of this Act a holding to which the provisions of the Landholders Acts relating to statutory small tenants applied was last fixed by the Land Court before the commencement of this Act, it may, notwithstanding anything in the proviso to subsection (3) of section five of this Act, be altered by the Land Court at any time after the commencement of this Act.

(4) Notwithstanding anything in this Act, the right of any person to succeed to the tenancy of a holding, whether by virtue of a bequest made by the tenant thereof or by virtue of the right to the tenancy having devolved upon the heir-at-law of the tenant, shall, if the tenant died before the commencement of this Act, be determined as if this Act had not passed.

(5) Save as expressly provided in this Act, nothing in this Act shall affect any order, rule, regulation, record, application, reference, appointment, loan, agreement, finding or award made, approval, consent or direction given, decree or instrument granted, proceeding taken, notice served or given, condition imposed, rent or amount of compensation fixed, or thing done in the crofting counties or in relation to land therein, under any enactment relating to landholders, statutory small tenants or cottars which by virtue of this Act has ceased to apply to the crofting counties or to any land therein, but any such order, rule, regulation, record, application, reference, appointment, loan, agreement, finding, award, approval, consent, direction, decree, instrument, proceeding, notice, condition, rent or amount of compensation or thing which is in force at the commencement of this Act shall continue in force and, so far as it could have

been made, given, granted, taken, served, imposed, fixed or done under the corresponding provision of this Act, shall have effect as if it had been made, given, granted, taken, served, imposed, fixed or done under that corresponding provision.

Citation and commencement.

40.—(1) This Act may be cited as the Crofters (Scotland) Act, 1955.

(2) This Act shall come into operation on such date as Her Majesty may by Order in Council appoint; and an Order under this subsection may appoint different dates in relation to different provisions of this Act.

SCHEDULES

Section 1.

FIRST SCHEDULE

PROVISIONS AS TO THE CROFTERS COMMISSION

Constitution of the Commission

1. The Commission shall be a body corporate and shall have a common seal.

2. Every member of the Commission shall hold and vacate office in accordance with the terms of the instrument under which he is appointed; but notwithstanding anything in such an instrument any member of the Commission may resign his office by a notice given under his hand to the Secretary of State, and a member of the Commission who ceases to hold office shall be eligible for re-appointment to the Commission.

3. A person shall be disqualified for membership of the Commission if and so long as he is a member of the Commons House of Parliament.

4. The Secretary of State shall pay to the members of the Commission such remuneration and such allowances as he may, with the approval of the Treasury, determine.

Meetings and Proceedings of the Commission

5. The quorum of the Commission shall be three or such larger number as the Commission may from time to time determine.

6. The proceedings of the Commission shall not be invalidated by any vacancy in the membership of the Commission or by any defect in the appointment of any member thereof.

7. If at any meeting of the Commission the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote.

8. The Commission shall refer to one or more of their number for report and recommendation such matters as may be determined by the Commission and shall delegate to one or more of their number such of the functions conferred on the Commission by this Act, to such extent and subject to such conditions or restrictions, as may with the approval of the Secretary of State be so determined.

9. In any application or other proceeding coming before them the Commission may order that the evidence shall be taken on oath.

10. Subject to the foregoing provisions of this Schedule, the Commission shall have power to regulate their own procedure.

Office, Officers and Servants

11. The Commission shall have an office in the crofting counties at which communications and notices will at all times be received.

12. The Secretary of State may provide the services of such officers and servants as the Commission may require.

Instruments executed or issued by the Commission

13. The application of the seal of the Commission to any document shall be attested by at least one member of the Commission and by the person for the time being acting as secretary to the Commission.

14. Every document purporting to be an instrument issued by the Commission and to be sealed and attested as aforesaid or to be duly signed on behalf of the Commission shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

SECOND SCHEDULE

Section 3.

THE STATUTORY CONDITIONS

1. The crofter shall pay his rent at the terms at which it is due and payable.

2. The crofter shall not, except in accordance with the provisions of this Act, execute any deed purporting to assign his tenancy.

3. The crofter shall, by himself or his family, with or without hired labour, cultivate his croft, without prejudice to the right hereby conferred on him to make such use thereof for subsidiary or auxiliary occupations as, in case of dispute, the Commission may find to be reasonable and not inconsistent with the cultivation of the croft.

4. The crofter shall not, to the prejudice of the interest of the landlord, persistently injure the croft by the dilapidation of buildings or, after notice in writing has been given by the landlord to the crofter not to commit, or to desist from, the particular injury specified in the notice, by the deterioration of the soil.

5. The crofter shall not, without the consent in writing of the landlord, sublet his croft or any part thereof:

Provided that nothing in this paragraph shall be construed as debarring a crofter from subletting his dwelling-house to holiday visitors.

6. The crofter shall not, except in accordance with the provisions of this Act, subdivide his croft.

7. The crofter shall not, without the consent in writing of the landlord, erect or suffer to be erected on the croft any dwelling-house otherwise than in substitution for a dwelling-house which at the commencement of this Act was already on the croft:

Provided that, if at the commencement of this Act there was no dwelling-house on the croft, the crofter may erect one dwelling-house thereon.

8. The crofter shall not persistently violate any written condition signed by him for the protection of the interest of the landlord or of neighbouring crofters which is legally applicable to the croft and which the Land Court shall find to be reasonable.

9. The crofter shall not do any act whereby he becomes notour bankrupt within the meaning of the Bankruptcy (Scotland) Act, 1913, and shall not execute a trust deed for creditors.

10. The crofter shall permit the landlord or any person authorised by the landlord in that behalf to enter upon the croft for the purpose of exercising (subject always to the payment of such compensation as in case of dispute the Land Court may find to be reasonable in respect of any damage done or occasioned thereby) any of the following rights, and shall not obstruct the landlord or any person authorised as aforesaid in the exercise of any of such rights, that is to say—

(*a*) mining or taking minerals, or digging or searching for minerals;

(*b*) quarrying or taking stone, marble, gravel, sand, clay, slate or other workable mineral;

(*c*) using for any estate purpose any springs of water rising on the croft and not required for the use thereof;

2ND SCH. —*cont.*

(*d*) cutting or taking timber or peats, excepting timber and other trees planted by the crofter or any of his predecessors in the tenancy, or which may be necessary for ornament or shelter, and excepting also such peats as may be required for the use of the croft;

(*e*) opening or making roads, fences, drains and water-courses;

(*f*) passing and re-passing to and from the shore of the sea or any loch with or without vehicles for the purpose of exercising any right of property or other right belonging to the landlord;

(*g*) viewing or examining at reasonable times the state of the croft and all buildings or improvements thereon;

(*h*) hunting, shooting, fishing or taking game or fish, wild birds or vermin;

but nothing in this paragraph shall be held to preclude the crofter from recovering any compensation for damage by game which is recoverable under section fifteen of the Agricultural Holdings (Scotland) Act, 1949, by a tenant, and that section shall apply accordingly, with the substitution, however, of the Land Court for arbitration.

11. The crofter shall not on his croft, without the consent in writing of the landlord, open any house for the sale of intoxicating liquors.

12. In this Schedule—

the expression "cultivate" includes the use of a croft for horticulture or for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, and the growing of fruit, vegetables and the like;

the expression "game" means deer, hares, rabbits, pheasants, partridges, grouse, blackgame, capercailzie, ptarmigan, woodcock, snipe, wild duck, widgeon and teal.

Sections 17, 18, 20, 23, 31.

THIRD SCHEDULE

PROVISIONS AS TO SECURITY, ETC., OF LOANS

1. The loan shall be secured by a bond which shall be a charge on the land in favour of the Secretary of State.

2. The loan shall either be repaid by half-yearly instalments of principal with such interest and within such period (not exceeding such period as may be fixed by the Treasury) from the date of the loan, or at such date thereafter not exceeding eighteen months as may be agreed on, or shall be repaid with such interest and within such period by a terminable annuity payable by half-yearly instalments.

3. The amount for the time being unpaid may at any time be discharged, and any such terminable annuity may at any time be redeemed in accordance with tables fixed by the Secretary of State.

4. A certificate by the Secretary of State that the whole of the loan has been repaid or that such terminable annuity has been redeemed shall, without any other instrument, operate as a discharge of the loan or extinction of the terminable annuity, as the case may be, and the recording of such certificate in the appropriate Register of Sasines shall be equivalent to the recording of a discharge of the said bond.

5. The Secretary of State shall cause to be prepared and duly recorded all deeds, writs and instruments necessary for securing the payment of any loan over land made by him, and shall include in the loan the cost so incurred, or to be incurred, in accordance with scales set forth in tables fixed by the Secretary of State.

FOURTH SCHEDULE

Section 21.

RULES OF GOOD HUSBANDRY

1. For the purposes of section twenty-one of this Act, a crofter shall be deemed to fulfil his duty to work his croft in accordance with the rules of good husbandry in so far as the extent to which and the manner in which the croft is being worked (as respects both the kind of operations carried out and the way in which they are carried out) are such that, having regard to the character and situation of the croft and other relevant circumstances, the crofter is maintaining a reasonable standard of efficient production as respects both the kind of produce and the quality and quantity thereof, while keeping the croft in a condition to enable such a standard to be maintained in the future.

2. In determining whether the manner in which the croft is being worked is such as aforesaid regard shall be had, but without prejudice to the generality of the provisions of the last foregoing paragraph, to the following—

(*a*) the maintenance of permanent grassland properly mown or grazed and in a good state of cultivation and fertility;

(*b*) the handling or cropping of the arable land, including the treatment of temporary grass, so as to maintain it clean and in a good state of cultivation and fertility;

(*c*) where the system of farming practised requires the keeping of livestock, the proper stocking of the croft;

(*d*) the maintenance of an efficient standard of management of livestock;

(*e*) as regards hill sheep farming in particular—

(i) the maintenance of a sheep stock of a suitable breed and type in regular ages (so far as is reasonably possible) and the keeping and management thereof in accordance with the recognised practices of hill sheep farming;

(ii) the use of lug, horn or other stock marks for the purpose of determining ownership of sheep stock;

(iii) the regular selection and retention of the best female stock for breeding;

(iv) the regular selection and use of tups possessing the qualities most suitable and desirable for the flock;

(v) the extent to which regular muirburn is made;

(*f*) the extent to which the necessary steps are being taken—

(i) to secure and maintain the freedom of crops and livestock from disease and from infestation by insects and other pests;

(ii) to exercise systematic control of vermin and of bracken, whins, broom and injurious weeds;

(iii) to protect and preserve crops harvested or in course of being harvested;

(iv) to carry out necessary work of maintenance and repair of the fixed and other equipment.

Section 37.

FIFTH SCHEDULE

PERMANENT IMPROVEMENTS

1. Dwelling-house.
2. Farm offices.
3. Subsoil and other drains.
4. Walls and fences.
5. Deep trenching.
6. Clearing the ground.
7. Planting trees.
8. Making piers or landing stages.
9. Roads practicable for vehicles from the croft to the public road or the sea shore.
10. All other improvements which, in the judgment of the Land Court, will add to the value of the croft to an incoming tenant.

Section 38.

SIXTH SCHEDULE

APPLICATION OF ENACTMENTS TO CROFTING COUNTIES

PART I

Enactments ceasing to have effect

Enactment	Provisions ceasing to have effect in crofting counties
The Crofters Holdings (Scotland) Act, 1886. (49 & 50 Vict. c. 29.)	Sections one to ten. In section twelve the words from "It shall be competent for the Crofters Commission to draw up a scheme" to the end of the section. Section sixteen. Sections nineteen and twenty. Sections thirty-one and thirty-four. The Schedule.
The Crofters Holdings (Scotland) Act, 1887. (50 & 51 Vict. c. 24.)	The whole Act.
The Crofters Common Grazings Regulation Act, 1891. (54 & 55 Vict. c. 41.)	The whole Act.
The Crofters Common Grazings Regulation Act, 1908. (8 Edw. 7. c. 50.)	The whole Act.
The Small Landholders (Scotland) Act, 1911. (1 & 2 Geo. 5. c. 49.)	Sections one and two. Sections eight to ten. Sections twelve to fifteen. Sections seventeen to twenty-three. Section twenty-four except paragraph (*b*) of subsection (5). Section twenty-seven. Sections thirty-two and thirty-three.

6TH SCH. —*cont.*

Enactment	Provisions ceasing to have effect in crofting counties
The Land Settlement (Scotland) Act, 1919. (9 & 10 Geo. 5. c. 97.)	Sections twelve and thirteen. Section fourteen except in relation to paragraph (*b*) of the subsection substituted for subsection (5) of section twenty-four of the Act of 1911. Section seventeen and the Second Schedule in so far as they amend subsection (6) of section seven and section twenty-four of the Act of 1911.
The Small Landholders (Scotland) Act, 1931. (21 & 22 Geo. 5. c. 44.)	Section one. Sections three, five and six. Sections eight to fourteen. Section eighteen. Sections twenty-two to twenty-five.
The Agriculture (Scotland) Act, 1948. (11 & 12 Geo. 6. c. 45.)	Part II and the Fifth and Sixth Schedules in so far as they apply to any land being or forming part of a croft within the meaning of this Act. Sections sixty-six and seventy-seven.

PART II

Modification of Enactments

Enactment	Modification of enactments in application to crofting counties
The Small Landholders (Scotland) Act, 1911. (1 & 2 Geo. 5. c. 49.)	In section seven, subsections (1) and (6) and in paragraph (*f*) of subsection (11) the words from " and it may be a term " to the end of the paragraph shall be omitted. In section twenty-six, subsection (1), in subsection (2) the words from " and shall not " to the end of the subsection, and subsections (3), (6), (8), (9) and (10) shall be omitted; and in subsection (7) for the words from the beginning of the subsection to " nothing in that section " there shall be substituted the words " Nothing in section thirty-three of the Act of 1886 ". In section thirty-one, in subsection (1) the definitions of " Act of 1887 ", " Act of 1891 ", " Act of 1908 " and " statutory successor ", and subsection (4) shall be omitted.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Clauses Consolidation (Scotland) Act, 1845	8 & 9 Vict. c. 19.
Ground Game Act, 1880	43 & 44 Vict. c. 47.
Crofters Holdings (Scotland) Act, 1886	49 & 50 Vict. c. 29.
Congested Districts (Scotland) Act, 1897 ...	60 & 61 Vict. c. 53.
Small Landholders (Scotland) Act, 1911... ...	1 & 2 Geo. 5. c. 49.
Bankruptcy (Scotland) Act, 1913	3 & 4 Geo. 5. c. 20.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Conveyancing (Scotland) Act, 1924	14 & 15 Geo. 5. c. 27.
Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940	3 & 4 Geo. 6. c. 42.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947... ...	10 & 11 Geo. 6. c. 43.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Agricultural Holdings (Scotland) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 75.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.

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