

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 1976, SCHEDULE 2. (See end of Document for details)*

## SCHEDULE 2

Section 22(1)

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### <sup>M1</sup>*The Small Landholders (Scotland) Act 1911.*

##### Marginal Citations

**M1** 1911 c. 49.

- 1 In section 32(14) (provisions as to statutory small tenants), for the words “twenty, and section twenty-seven” there shall be substituted the words “and section twenty”.

##### Modifications etc. (not altering text)

**C1** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### <sup>M2</sup>*The Land Settlement (Scotland) Act 1919.*

##### Marginal Citations

**M2** 1919 c. 97.

- 2 At the end of section 6 (duty of Secretary of State with respect to sale or lease of land), there shall be added the following subsection—
- “(6) Subsections (3) and (4) above shall not apply to crofts as defined in section 3 of the Crofters (Scotland) Act 1955.”

##### Modifications etc. (not altering text)

**C2** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### <sup>M3</sup>*The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.*

##### Marginal Citations

**M3** 1947 c. 42.

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- 3 In Schedule 1 (procedure for authorising compulsory purchases), in paragraph 4(1) after the word “aforesaid” there shall be inserted the words “or if no objection is duly made by the National Trust for Scotland in a case where the land comprised in the order was held inalienably by the Trust on the date of the passing of the Crofting Reform (Scotland) Act 1976 and was acquired from the Trust by a crofter as defined in section 3 of the Crofters (Scotland) Act 1955 in pursuance of an order under section 2(1) or 4(1) of the said Act of 1976”.

**Modifications etc. (not altering text)**

- C3** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

<sup>M4</sup>*The Crofters (Scotland) Act 1955.*

**Marginal Citations**

- M4** 1955 c. 21.

- 4 At the end of section 1(1) (constitution and general functions of the Commission) there shall be added the words “and the Crofting Reform (Scotland) Act 1976.”.

**Modifications etc. (not altering text)**

- C4** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 5 In section 2 (particular powers and duties of the Commission)—
- (a) in subsection (1)(d), after the word “Act” there shall be inserted the words “and the Crofting Reform (Scotland) Act 1976” ;
  - (b) in subsection (3), for the words “sheriff-clerk” there shall be substituted the words “principal clerk of the Land Court”, and the words from “and the provisions” to the end shall cease to have effect ;
  - (c) in subsection (4), after the word “Act” there shall be inserted the words “and the Crofting Reform (Scotland) Act 1976.”

**Modifications etc. (not altering text)**

- C5** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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- 6 In section 8 (assignment of croft)—
- (a) for subsections (1) and (2) there shall be substituted the following subsections—
- “(1) A crofter shall not assign his croft—
- (a) to a member of his family unless he obtains the consent in writing of his landlord or, failing such consent, the consent in writing of the Commission on an application made to them;
- (b) to a person other than a member of his family unless he obtains the consent in writing of the Commission on an application made to them.
- (2) A landlord who has given his consent in pursuance of subsection (1)(a) above shall notify the Commission of the assignment and the name of the assignee.”
- (b) in subsection (5), after the word “Commission” where it first occurs there shall be inserted the words “in a case where he is required to obtain such consent in pursuance of subsection (1) above” ;
- (c) at the end there shall be added the following subsections—
- “(7) Any reference in this section to a croft shall include a reference to a part of a croft, being a part consisting of any right in pasture or grazing land deemed by virtue of section 3(5) of this Act to form part of a croft.
- (8) In this section “member of his family”, in relation to a crofter, has the same meaning as “member of the crofter’s family” has in section 10(7) of this Act.”

**Modifications etc. (not altering text)**

- C6** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 7 In section 15(1) (Commission to obtain information and to compile register of crofts)—
- (a) for the word “acreage” there shall be substituted the word “extent” ;
- (b) at the end there shall be added the words “and the Crofting Rform (Scotland) Act 1976.”

**Modifications etc. (not altering text)**

- C7** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 8 In section 16 (vacant crofts)—

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- (a) in the proviso to subsection (4), for the words “an application” to the end there shall be substituted the words “the Secretary of State is considering an application made to him under subsection (3) above for consent to let, or the Commission are considering an application made to them under subsection (9) below for a direction that the croft shall cease to be a croft” ;
- (b) in subsection (8), after the words “section or” there shall be inserted the words “by the landlord to the Secretary of State” ;
- (c) in subsections (11A) and 913), after the word “section” there shall be inserted the words “and section 16A of this Act” ;
- (d) at the end of the section there shall be added the following subsection—
  - “(14) For the avoidance of doubt it is hereby declared that this section has effect (and shall be deemed always to have had effect since 27th August 1961) as if—
    - (a) a person who has become the owner-occupier of a croft were required under subsection (1) above within one month of the date on which he became such owner-occupier to give such notice thereof to the Commission ; and
    - (b) any reference in the section other than in subsection (1) above to a landlord included a reference to an owner-occupier.”

**Modifications etc. (not altering text)**

- C8** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 9 In section 17(1)(a) (absentee crofters), for the words “ten miles” there shall be substituted the words “sixteen kilometres”.

**Modifications etc. (not altering text)**

- C9** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 10 In section 22(5) (power of Secretary of State to give financial assistance to crofters), after the word “building” there shall be inserted the words “or towards the provision or improvement of roads, or water or electricity or gas supplies” and for the words “such erection, improvement or rebuilding” there shall be substituted the words “the works in question”.

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**Modifications etc. (not altering text)**

**C10** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 11 In section 27(1) (common grazings), for the words “forty shillings” and “five shillings” there shall be substituted respectively the words “£10” and “50 pence”.

**Modifications etc. (not altering text)**

**C11** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 12 In section 30(4) (provisions as to entry and inspection), for the words “five pounds” there shall be substituted the words “£10”.

**Modifications etc. (not altering text)**

**C12** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 13 In section 31(2) (building grants and loans to owner-occupiers of like economic status as crofters), for paragraph (b) there shall be substituted the following paragraph—

“(b) is either—

- (i) a holding of which the area does not exceed 30 hectares, or
- (ii) a holding of which the annual rent, if it were a croft let to a crofter under this Act and the Crofters (Scotland) Act 1961, would not in the opinion of the Secretary of State exceed £100, or
- (iii) a holding which exceeds 30 hectares and of which the annual rent if it were a croft so let would in the opinion of the Secretary of State exceed £100, but which in the opinion of the Secretary of State is not substantially larger than 30 hectares or is capable of being let as a croft at an annual rent not substantially in excess of £100 ;”

**Modifications etc. (not altering text)**

**C13** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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- 14 In section 34(1) (determination of disputes, etc.) after the word “Act” there shall be inserted the words “or the Crofting Reform (Scotland) Act 1976”.

**Modifications etc. (not altering text)**

- C14** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 15 In Schedule 3 (provisions as to security, etc., of loans)—
- (a) in paragraph 1, for the words “bond which shall be a charge on” there shall be substituted the words “heritable security over” ;
- (b) in paragraph 4, for the word “bond” there shall be substituted the words “heritable security”.

**Modifications etc. (not altering text)**

- C15** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

<sup>M5</sup>*The Valuation and Rating (Scotland) Act 1956.*

**Marginal Citations**

**M5** 1956 c. 60

- 16 In section 7 (provisions relating to agricultural lands and heritages and dwelling-houses occupied in connection therewith)—
- (a) in subsection (6)(b) for the words “fifty pounds” there shall be substituted the word “£100” ;
- (b) at the end of subsection (8)(b) there shall be added the words
- “and
- (c) to a dwelling-house, comprised in a conveyance of the site of the dwelling-house on or pertaining to a croft or the subject of a cottar obtained after the passing of the Crofting Reform (Scotland) Act 1976 by a person who is the crofter of the croft or, as the case may be, the cottar of the subject of which the dwelling-house then forms part, and occupied by that person or the husband or the wife of that person.”

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**Modifications etc. (not altering text)**

**C16** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

*M6 The Crofters (Scotland) Act 1961*

**Marginal Citations**

**M6** 1961 c. 58.

- 17 In section 2 (new crofts, enlarged crofts and common grazings)—
- (a) subsection (1), and in subsection (5) the words from the beginning to “section and” shall cease to have effect ;
  - (b) in subsections (2)(a) and (b) and (3) for the words “and this Act” there shall be substituted the words “this Act and the Crofting Reform (Scotland) Act 1976” ;
  - (c) in subsection (2)(b)—
    - (i) for the words “seventy-five acres” and “fifty pounds” there shall be substituted respectively the words “30 hectares” and “£100” ,
    - (ii) for the words “Secretary of State”, “him” and “he makes” there shall be substituted respectively the words “commission”, “them” and “they make” ;
  - (d) after subsection (2) there shall be inserted the following subsection—

“(2A) The Commission shall make a direction under subsection (2) above only if they are satisfied that such a direction—

    - (a) would be of benefit to the croft ; and
    - (b) would result in the croft as enlarged by the land referred to in that subsection being substantially larger than 30 hectares or capable of being let as a croft at an annual rent substantially in excess of £100.”

**Modifications etc. (not altering text)**

**C17** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 18 At the end of section 3(2) (Commission to maintain register of crofts), there shall be added the following proviso—
- “Provided that the Commission shall not be required under this subsection to send a copy of any new entry or of any entry altered by them or to intimate to omission of any entry to any person who has to any extent assisted the Commission in the performance of their duties of inserting or, as the case may be, altering or omitting an entry by the furnishing of information to them.”

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**Modifications etc. (not altering text)**

**C18** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 19 In section 4 (determination of questions by Land Court), in subsections (1) and (2), after the words “or this Act” and “and this Act” wherever they occur there shall be inserted respectively the words “or the Crofting Reform (Scotland) Act 1976” and “and the Crofting Reform (Scotland) Act 1976”.

**Modifications etc. (not altering text)**

**C19** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 20 In section 12(10)(c) (subletting of crofts not adequately used), for the words “one acre” there shall be substituted the words “one half hectare”.

**Modifications etc. (not altering text)**

**C20** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 21 In section 13 (subleases of crofts), in the proviso to subsection (3) after the words “one month” where they first occur there shall be inserted the words “or such longer period not exceeding three months as the Commission may in all the circumstances think reasonable” and after the words “one month” where they subsequently occur there shall be inserted the words “or the said longer period”.

**Modifications etc. (not altering text)**

**C21** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 22 In section 14(1) (amendment of powers of Secretary of State with respect to giving financial assistance in crofting counties)—
- (a) in paragraph (b), for the words “seventy-five acres” and “fifty pounds” there shall be substituted respectively the words “30 hectares” and “£100” ;
- (b) after paragraph (b) there shall be inserted the following paragraph—



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

**Modifications etc. (not altering text)**

**C22** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

23 In section 15 (amendment of the law with respect to common grazings)—

(a) in subsection (2)—

- (i) for the words “paragraph (b) of the said subsection” there shall be substituted the words “such of the croftes referred to in paragraph (b) of that subsection as are liable to pay any expenses in accordance with a proposed allocation of expenditure referred to in subsection (1A) of section 25 of that Act or, as the case may be, such a proposed allocation as approved or modified by the Commission under that subsection” ;
- (ii) for the words from “discharge” to the end there shall be substituted the words “performance of the duties imposed on them by paragraphs (a) and (b) respectively of section 25(1) of that Act.” ;

(b) in subsection (6) for the words “and of this Act” and “either” there shall be substituted respectively the words “this Act and the Crofting Reform (Scotland) Act 1976” and “any”.

**Modifications etc. (not altering text)**

**C23** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

<sup>M7</sup>*The Countryside (Scotland) Act 1967.*

**Marginal Citations**

**M7** 1967 c. 86.

24 In section 13 (access agreements)—

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*Changes to legislation: There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 1976, SCHEDULE 2. (See end of Document for details)*

- (a) in subsection (9)(a), after the word “either” there shall be inserted the word “(i)”, and for the words from “with the consent” to “Commission” there shall be substituted the words “(ii)subject to subsection (9A) below” ;
- (b) after subsection (9) there shall be inserted the following subsection—

“(9A) A grazings committee to whom such a payment as is referred to in paragraph (a) of subsection (9) above has been made and who are proposing to apply the payment in carrying out works in accordance with head (ii) of that paragraph shall give notice in writing to each crofter sharing in the common grazings of their proposals ; and any such crofter may within one month of the date of such notice make representations in respect of the proposals to the Crofters Commission who may approve them with or without modifications or reject them.”

**Modifications etc. (not altering text)**

**C24** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

<sup>M8</sup> *The Agriculture (Miscellaneous Provisions) Act 1968*

**Marginal Citations**

**M8** 1968 c. 34.

- 25 For section 11(8) (certain payments to tenant farmers), there shall be substituted the following subsection—

“(8) The provisions of the Small Landholders (Scotland) Acts 1886 to 1931 with regard to the Scottish Land Court shall, with any necessary modifications, apply for the purpose of the determination of ant matter referred to them under subsection (7) of this section as they apply for the purpose of the determination by them of matters referred to them under those Acts.”

**Modifications etc. (not altering text)**

**C25** The text of Sch. 1 paras. 1–9, Sch. 2 paras. 1–25 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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