



Crofting Reform (Scotland) Act 1976

1976 CHAPTER 21

6 Provisions supplementary to sections 2 and 4

- (1) An order of the Land Court under section 2(1)(a) or 4(1) of this Act shall have effect for a period of two years from the date of intimation of the order or for such other period as may at any time be agreed to in writing by the crofter or, as the case may be, the cottar and the landlord or as may be determined by the Land Court on the application of either party.
- (2) Where an order has been made by the Land Court under the said section 2(1)(a) or 4(1) in relation to croft land or the site of the dwelling-house on or pertaining to a croft or under the said section 4(1) in relation to the site of the dwelling-house on or pertaining to the subject of a cottar, then, so long as the order has effect—
 - (a) the crofter shall not be entitled under section 14(1) of the Act of 1955 to compensation for any permanent improvement made on the croft land or site; and
 - (b) the landlord of the croft shall not be entitled under section 14(6) of that Act to recover from the crofter compensation for any deterioration of, or damage to, any fixed equipment provided by the landlord in respect of the croft land or site ; or
 - (c) the cottar shall not be entitled under section 28(1) of that Act to compensation for any permanent improvement made on the site,

being compensation to which the crofter and the landlord or, as the case may be, the cottar would be entitled but for this subsection.

- (3) Any condition or provision to the effect that—
 - (a) the superior of any feu shall be entitled to a right of pre-emption in the event of a sale thereof or any part thereof by the proprietor of the feu, or
 - (b) any other person with an interest in land shall be entitled to a right of pre-emption in the event of a sale thereof or of any part thereof by the proprietor for the time being,

shall not be capable of being enforced where the sale is by a landlord to a crofter or his nominee of croft land or to a crofter or a cottar or his nominee of the site of the

Status: This is the original version (as it was originally enacted).

dwelling-house on or pertaining to the croft or the subject of the cottar in pursuance of an order under the said section 2(1) or, as the case may be, 4(1).

- (4) Where the landlords are the National Trust for Scotland, the Land Court, in making an order under the said section 2(1) or 4(1), shall have regard to the purposes of the Trust.
- (5) A compulsory purchase order which authorises the compulsory purchase of land, being land which was held inalienably by the National Trust for Scotland on the date of the passing of this Act and was acquired from the Trust by a crofter in pursuance of an order under section 2(1) or 4(1) of this Act, shall in so far as it so authorises be subject to special parliamentary procedure in any case where an objection has been duly made by the Trust under the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and has not been withdrawn; and in this subsection " held inalienably " has the same meaning as in section 7(1) of the said Act of 1947.
- (6) Where the site of the dwelling-house on or pertaining to a croft has been acquired after the passing of this Act by a person, who immediately before the acquisition was the tenant of the croft, that person and the wife or husband of that person may, so long as either of them continues to occupy the subjects conveyed, enjoy any right to cut and take peats for the use of those subjects which that person enjoyed immediately before the acquisition.
- (7) Any person acquiring croft land shall, unless and until the land ceases to be a croft by a direction of the Commission under section 16(9) of the Act of 1955, be required to give notice to the Commission of the change of ownership of the land.