



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Reorganisation schemes

38 Reorganisation schemes

- (1) Where in relation to any township the Commission—
 - (a) either of their own accord or on representations made to them by a crofter who is the tenant of a croft situated in the said township or by the landlord of such a croft or by a grazings committee appointed under section 47 of this Act in respect of common grazings shared in by any such crofter, and
 - (b) after such consultation as is reasonably practicable with the tenants and the landlords of crofts situated in the township and with any grazings committee appointed as aforesaid, and
 - (c) after making such inquiries as they think fit,are satisfied that the township ought to be reorganised in order to secure the preservation or the better development thereof, they may 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 of that land and to the general benefit of the township, so, however, that under the scheme every crofter who is the tenant of a croft situated in the township and who so wishes shall be granted the tenancy of a croft and that such croft shall—
 - (a) if the crofter so wishes, include any dwelling-house which formed part of the croft of which he was tenant immediately before the date on which the scheme was put into effect, and
 - (b) if he so wishes, be of a value not less than that of the croft of which he was tenant as aforesaid.
- (3) A reorganisation scheme may, if the Commission think fit, make provision with respect to all or any of the following matters—
 - (a) the inclusion in the scheme of any land in the vicinity of the township, being land to which this Act does not apply, which in the opinion of the Commission

Status: This is the original version (as it was originally enacted).

- ought to be used for the enlargement of crofts in the township or of common grazings used exclusively or shared in by the township;
- (b) the admission into the township of new crofters and the allocation to them of shares in the common grazings;
 - (c) the apportionment for the exclusive use of the township of a part of any common grazings in which it shares;
 - (d) the inclusion in any croft formed under the scheme of a part of the common grazings or of any land held runrig;
 - (e) any other matter incidental to or consequential on the provisions of the scheme.
- (4) For the purposes of a reorganisation scheme the Commission shall prepare such maps and plans as may be necessary to indicate the general effect of the scheme and its effects on each of the crofts in the township.
- (5) The Commission shall serve on each crofter who is the tenant of a croft situated in the township to which a draft reorganisation scheme relates a copy of such scheme together with a notice—
- (a) naming a place within the locality in which the said township is situated where a copy of the maps and plans prepared by the Commission under subsection (4) above may be inspected at all reasonable hours, and
 - (b) requesting that the crofter on whom the said notice is served shall, within 4 months from the date of such service, intimate to the Commission in writing whether he is in favour of the scheme or not.

Where any crofter on whom such a notice as aforesaid has been served fails to comply with the request contained in such notice, he shall for the purposes of this section be deemed to have intimated to the Commission in compliance with the said request that he is in favour of the scheme.

- (6) If within the said period of 4 months a majority of the crofters on whom a copy of a draft reorganisation scheme and notice have been served in pursuance of subsection (5) above have intimated to the Commission in compliance with the request contained in such notice that they are in favour of the scheme, the Commission shall submit to the Secretary of State the draft reorganisation scheme and the maps and plans prepared by them under subsection (4) above together with such information as they may think necessary, or as the Secretary of State may require, for the purpose of informing him of the general purport and effect of the scheme, and shall submit also a statement of their views on the prospects of the development of agricultural and other industries in the township and in the locality in which the township is situated.
- (7) The Secretary of State may confirm a draft reorganisation scheme submitted to him under subsection (6) above with or without modifications, and the provisions of Schedule 4 to this Act shall apply with respect to the confirmation and the validity of such a scheme.

39 Putting into effect of reorganisation schemes

- (1) It shall be the duty of the Commission to put into effect any reorganisation scheme confirmed by the Secretary of State under section 38 of this Act, and the Commission may, subject 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.

- (2) A reorganisation scheme shall be put into effect on such date as may be appointed by the Commission, and the Commission may appoint different dates in respect of different provisions of the scheme, and any reference in this Act to the date on which a reorganisation scheme is put into effect shall, in relation to any land, be construed as a reference to the date on which the provisions of that scheme which apply to such land are put into effect.
- (3) The Commission shall, on a reorganisation scheme being confirmed by the Secretary of State, remit the scheme to the Land Court to fix the sums which will become payable on the scheme being put into effect—
- (a) to each person who immediately before the said date was the tenant of a croft in the township, by way of compensation in respect of permanent improvements by reason of the termination of his tenancy by virtue of subsection (6) below;
 - (b) by each person (whether or not he was immediately before the said date the tenant of a croft in the township) who under the scheme becomes the tenant of a croft, in respect of the permanent improvements on that croft; and
 - (c) by way of rent in respect of each of the crofts formed under the scheme.
- (4) In fixing rents under subsection (3)(c) above the Land Court shall so proceed that the aggregate of the rents so fixed, so far as attributable to subjects which formed part of crofts comprised in the township at the date of the confirmation of the scheme—
- (a) does not exceed the aggregate of the rents payable in respect of those subjects at that date, and
 - (b) is fairly apportioned amongst the said subjects.
- (5) The rent fixed by the Land Court in pursuance of subsection (3)(c) above in respect of any croft shall not be altered, except by agreement between the landlord and the crofter, for a period of 7 years from the term at which it first became payable.
- (6) For the purpose of putting into effect the provisions of a reorganisation scheme, the Commission shall serve on the tenant and on the landlord of every croft to which those provisions apply and on any person (other than such a tenant) who under the scheme is to become the tenant of a croft a notice specifying the date on which the scheme is to be put into effect, and where such notices have been served—
- (a) every such tenant shall be deemed to have given notice renouncing the tenancy of his croft immediately before the said date; and
 - (b) each person (whether or not such a tenant) who under the scheme is to become the tenant of a croft shall on that date become the tenant of that croft.
- (7) Where any buildings situated on land to which a reorganisation scheme applies will on the putting into effect of the scheme cease to be required in connection with the occupation of that land, the Commission shall, on the scheme being confirmed by the Secretary of State, give notice to that effect to the landlord of the land, and thereupon subsections (7) and (8) of section 23 of this Act shall apply in relation to the buildings first mentioned as if the said notice had been a notice given under the said subsection (7) to the landlord by the Commission immediately before the date of the putting into effect of the scheme.

A notice given under this subsection to a landlord by the Commission shall inform the landlord of the effect of this subsection in relation to the buildings in respect of which the notice is given.

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

- (8) Where a reorganisation scheme provides, in pursuance of section 38(3)(a) of this Act, for the inclusion in the scheme of land in the vicinity of the township, the Secretary of State shall, on confirming the scheme, serve—
- (a) on the occupier of any such land who is not the owner thereof, a copy of the scheme together with a notice terminating his interest in the land on the expiry of 3 months from the date of the service of the notice; and
 - (b) on the owner of any such land a copy of the scheme together with a notice requiring him to enter into an undertaking that he will, on the date on which the scheme is put into effect, let the land in accordance with the provisions of the scheme.
- (9) Where the interest in any land of the occupier of that land is terminated in pursuance of subsection (8)(a) above, the Secretary of State shall be deemed to be authorised to purchase the said interest compulsorily and to have served notice to treat in respect thereof on the date on which the interest is terminated as aforesaid.
- (10) Where—
- (a) the owner of any land fails within 2 months from the date on which a notice is served on him under paragraph (b) of subsection (8) above to enter into such an undertaking as is mentioned in that paragraph or, having entered into such an undertaking, fails to let the land in accordance with the provisions of the scheme on the date on which the scheme is put into effect; or
 - (b) the owner of any land to which any provision contained in a reorganisation scheme applies gives to the Secretary of State, within 2 months from the date on which notice of the confirmation of the scheme is served on him under paragraph 7 of Schedule 4 to this Act, notice requiring the Secretary of State to purchase the land;

the Secretary of State shall be deemed to be authorised to purchase the said land compulsorily and to have served notice to treat in respect thereof immediately before the date on which the scheme is put into effect.

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, and the Secretary of State shall, as the landlord of such land, be liable to pay or, as the case may be, entitled to receive any such sum as is mentioned in subsection (3)(a) or (b) above which becomes payable on the said date and any sum payable on that date under section 34(1) of this Act by way of compensation for deterioration of, or damage to, fixed equipment on the land.

- (11) This section and section 38 of this Act shall, unless the context otherwise requires, apply in relation to a group of neighbouring townships as they apply in relation to a township.