



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Provisions relating to termination of tenancy and de-crofting

21 Crofter's right to share in value of land resumed by landlord.

(1) Where the Land Court authorises the resumption of a croft or a part thereof under section 20 of this Act, the crofter shall be entitled to receive from the landlord, in addition to any compensation payable to him under that section, a share in the value of the land so resumed the amount whereof shall be one half of the difference between, subject to subsection (5) below, the market value of the land (on the date on which resumption thereof is so authorised) as determined by the Land Court in accordance with subsections (2) and (3) below (less any compensation payable as aforesaid) and the crofting value thereof.

[^{F1}(1A) If it thinks fit the Land Court may, having regard to how the purpose for which resumption is authorised is to be carried out, determine that a sum awarded under this section shall be payable in instalments of such amounts and on such dates as it shall specify in the determination.

(1B) On making a determination under subsection (1A), the Land Court shall intimate to the Commission that it has done so and provide them with a copy of the determination; and the Commission shall enter that copy in the Register of Crofts.

(1C) When so entered the determination shall bind any successor to the landlord as it binds the landlord.]

(2) Where the resumption of the land is so authorised for some reasonable purpose which has been or is to be carried out by the landlord or by any person not being an authority possessing compulsory purchase powers, the market value for the purposes of subsection (1) above shall be a sum equal to the amount which the land, if sold in the open market by a willing seller, might be expected to realise.

(3) Where the resumption is so authorised for some reasonable purpose which has been or is to be carried out by an authority possessing compulsory purchase powers (not being the landlord) on the acquisition by them of the land so resumed, the market

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value for the purposes of subsection (1) above shall be a sum equal to the amount of compensation payable by the authority to the landlord in respect of the acquisition:

Provided that, where the land so resumed forms part only of the land acquired from the landlord by the authority, the market value shall be a sum equal to such amount as the Land Court may determine to be the proportion of the amount of compensation so payable by the authority which relates to the land so resumed.

- (4) Where the land so resumed forms or forms part of a common grazing—
- (a) the share of the value of that land payable to the crofters sharing in the common grazing shall be apportioned among such crofters according to the proportion that the right in the common grazing of each such crofter bears to the total of such rights;
 - (b) any sum so apportioned to such a crofter shall be deemed to be the share in the value of such land resumed to which he is entitled under subsection (1) above, and
 - (c) the share so payable shall, if a grazings committee or a grazings constable has been appointed under section 47 of this Act, be paid by the landlord to the clerk of the committee or the constable for distribution by him among the crofters concerned:

Provided that, if any crofter wishes the proportion of the share payable to him to be paid directly to him by the landlord, the landlord shall comply with his wishes.

- (5) For the purposes of this section, where any development has been carried out by any person, other than the crofter or any of his predecessors in the tenancy, on the land which the Land Court has authorised the landlord to resume before such authorisation, there shall be deducted from the market value such amount thereof as, in the opinion of the Land Court, is attributable to that development.
- (6) A sum awarded under this section shall, if the Land Court so determines, carry interest as from the date when such sum is payable [^{F2}, or in the case of payment by instalments as from the date when the unpaid balance of such sum is payable,] at the same rate as would apply (in the absence of any such statement as is provided for in Rule 66 of the ^{M1}Act of Sederunt (Rules of Court, consolidation and amendment) 1965) in the case of a decree or extract in an action commenced on that date in the Court of Session if interest were included in or exigible under that decree or extract.
- (7) In this section—
- “crofting value”, in relation to land resumed, has the same meaning as it has in section 14 of this Act in relation to croft land;
- “reasonable purpose” has the same meaning as in section 20(3) of this Act.

Textual Amendments

F1 S. 21(1A)-(1C) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 22(2)(a), 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

F2 Words in s. 21(6) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 22(2)(b), 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

Marginal Citations

M1 S.I. 1965/321.

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