



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Compensation for improvements and for deterioration or damage

36 Compensation to cottar for improvements.

- (1) Where 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 the cottar's wife or husband or any predecessor of the cottar or of the cottar's wife or husband; 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 subsection (1) above shall, failing agreement, be fixed by the Land Court, and sections 30(3) and 32(1) and (2) of this Act shall apply in relation to such cottar as they apply in relation to crofters.
- (3) Where the amount of the compensation payable under subsection (1) above is fixed by the Land Court under subsection (2) above, then, if the cottar is qualified as mentioned in subsection (4) below, he may request the Land Court to determine the amount which would have been payable by way of compensation in respect of the permanent improvement concerned if the ^{M1}Crofters (Scotland) Act 1961 had not been passed; and if the amount last mentioned is greater than the amount fixed by the Land Court as aforesaid, the difference between the two said amounts shall be payable to the cottar by the Secretary of State:

Provided that—

- (a) the Secretary of State shall be entitled to set off any amount due to him by the cottar in respect of a loan made under section 22(2) of the 1955 Act, section 42(4) of this Act or section 9 of the ^{M2}Small Landholders (Scotland)

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 36. (See end of Document for details)

- Act 1911 against any sum payable to the cottar by the Secretary of State under this subsection; and
- (b) this subsection shall not apply where compensation in respect of the improvement in question has on a previous occasion fallen to be assessed under section 32(1) and (2) of this Act as applied by subsection (2) above.
- (4) The reference in subsection (3) above to a cottar who is qualified is a reference to a cottar—
- (a) whose occupation of the subject in question began before 27th August 1961; or
 - (b) who occupies such subject as heir-at-law, legatee or assignee of his immediate predecessor as occupier of the subject, and each of whose predecessors (being in each case a person whose occupation of the subject began on or after 27th August 1961) occupied the subject as heir-at-law, legatee or assignee of his immediate predecessor.
- (5) In this section “predecessor”, in relation to a cottar or to the wife or husband of a cottar, means any person to whom the cottar or the wife or husband of the cottar might, failing nearer heirs, have succeeded in case of intestacy.

Marginal Citations

M1 1961 c. 58.

M2 1911 c. 49.

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