



Crofters (Scotland) Act 1955 (repealed 5.1.1994)

1955 CHAPTER 21 3 and 4 Eliz 2

Administration of Crofts

15 Commission to obtain information and to compile register of crofts.

(1) The Commission may by notice served on the owner or the occupier of any holding require him to furnish them with such information as may be specified in the notice with regard to the [^{F1}extent], the rent and the tenure of the holding and with regard to such other matters relating to the ownership or the occupation of the holding as the Commission may reasonably require for the execution of their functions under this Act [^{F2}and the ^{M1}Crofting Reform (Scotland) Act 1976].

(2) ^{F3}

(5) If any owner or occupier on whom a notice has been served under subsection (1) of this section—

- (a) fails without reasonable cause or neglects to furnish to the Commission within three months after the service of the notice the information specified in the notice; or
- (b) in furnishing such information as aforesaid knowingly or recklessly furnishes any information which is false in a material particular,

he shall be liable on summary conviction to a fine not exceeding [^{F4}level 1 on the standard scale].

Textual Amendments

F1 Word substituted by Crofting Reform (Scotland) Act 1976 (c. 21), Sch. 2 para. 7(a)

F2 Words added by Crofting Reform (Scotland) Act 1976 (c. 21), Sch. 2 para. 7(b)

F3 S. 15(2)–(4) repealed by Crofters (Scotland) Act 1961 (c. 58), s. 3(4), Sch. 3

F4 Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

Status: Point in time view as at 30/11/1991.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1955 (repealed 5.1.1994), Cross Heading: Administration of Crofts. (See end of Document for details)

Marginal Citations

M1 1976 c. 21.

16 Vacant crofts.

(1) Where—

(a) the landlord of a croft receives from the crofter a notice of renunciation of his tenancy or obtains from the Land Court an order for the removal of the crofter; or

[^{F5}(aa) the landlord of the croft either gives to the executor of a deceased crofter, or receives from such an executor, notice terminating the tenancy of the croft in pursuance of section 16(3) of the ^{M2}Succession (Scotland) Act 1964; or]

(b) for any other reason the croft has become vacant;

the landlord shall within one month [^{F6}from—

(i) the receipt of the notice of renunciation of the tenancy, or

(ii) the date on which the Land Court made the order, or

(iii) the date on which the landlord gave or received notice terminating the tenancy,
or

(iv) the date on which the vacancy came to the landlord’s knowledge,

as the case may be,] give notice thereof to the Commission.

(2) ^{F7}

(3) The landlord of a croft shall not, except with the consent in writing of the Commission, or, if the Commission withhold their consent, with the consent of the Secretary of State, let the croft or any part thereof to any person; and any letting of the croft otherwise than with such consent shall be null and void.

[^{F8}(3A) Where any person is in occupation of a croft under a letting which is null and void by virtue of the last foregoing subsection, the Commission may serve on him a notice in writing requiring him to give up his occupation of such croft on or before such day as may be specified in the notice, being a day not less than one month from the date of the service of the notice; and if he fails to give up his occupation of the croft on or before that day, subsection (3) of the next following section shall, subject to any necessary modifications, apply as it applies where a crofter fails to give up the occupation of a croft as mentioned in that, subsection.]

(4) Where a croft is vacant the Commission may—

(a) ^{F9}

(b) ... ^{F10}, at any time after the expiry of one month from the occurrence of the vacancy;

give notice to the landlord requiring him to submit to them his proposals for re-letting the croft, whether as a separate croft or as an enlargement of another croft, and if, within a period of two months from the giving of such notice, no such proposals are submitted or such proposals are submitted but the Commission refuse to approve them, the Commission may, if they think fit, themselves let the croft to such person or persons and on such terms and conditions (including conditions as to rent) as may be fixed by the Commission after consultation with the landlord; and such let shall have effect in all respects as if it had been granted by the landlord:

Provided that the Commission shall not themselves let the croft while [^{F11}the Secretary of State is considering an application made to him under subsection (3) above for

Status: Point in time view as at 30/11/1991.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1955 (repealed 5.1.1994), Cross Heading: Administration of Crofts. (See end of Document for details)

- 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].
- (5) Where a croft has been let on terms and conditions fixed by the Commission, the landlord may within one month from the date of the letting apply to the Land Court for a variation of the terms and conditions so fixed, and any variation made in pursuance of such application shall have effect as from the date of the letting.
- (6) Where the Commission have under subsection (4) of this section let a vacant croft as an enlargement of another croft, and any of the buildings on the vacant croft thereby cease to be required in connection with the occupation of the croft, the Commission shall give notice to that effect to the landlord, and thereupon—
- (a) the buildings shall cease to form part of the croft; and
 - (b) the landlord may, at any time within six months after the giving of such notice, give notice to the Secretary of State requiring him to purchase the buildings.
- [^{F12}(7) Where a croft has, in consequence of the making of an order under section 17(1) of this Act, become vacant and has remained unlet for a period of six months beginning with the date on which the croft so became vacant, the Commission shall, if the landlord at any time within three months after the expiry of the period aforesaid, gives notice to the Commission requiring them to do so, direct that the croft shall cease to be a croft; and if the landlord within one month after the issuing of such a direction gives notice to the Secretary of State requiring him to purchase the buildings on the croft, the Secretary of State shall purchase such buildings.]
- (8) Where a notice has been duly given under paragraph (b) of subsection (6) of this section or [^{F13}by the landlord to the Secretary of State] under the last foregoing subsection, the Secretary of State shall be deemed to be authorised to purchase the buildings compulsorily and to have served notice to treat in respect thereof on the date on which the notice aforesaid was given:
Provided that the consideration payable by the Secretary of State in respect of the purchase of the buildings shall be such sum as may be agreed by the Secretary of State and the landlord, or, failing agreement, as may be determined by the Land Court to be equal to the amount which an out-going tenant who had erected or paid for the erection of the buildings would have been entitled to receive [^{F14}from the landlord] by way of compensation for permanent improvements in respect of the buildings as at the date on which notice was given as aforesaid to the Secretary of State requiring him to purchase the buildings.
- [^{F15}(9) Where a croft is vacant, the Commission may, on the application of the landlord, direct that the croft shall cease to be a croft or refuse to grant the application; and if the Commission direct under this subsection or under subsection (7) above that a croft shall cease to be a croft, the provisions of this Act and, subject to a subsection (9A) below, the ^{M3}Crofters (Scotland) Act 1961 shall cease to apply to the croft, without prejudice, however, to the subsequent exercise of any powers conferred by any enactment for the enlargement of existing crofts.
- (9A) The coming into effect of a direction given by the Commission by virtue of section 16A(4) of this Act shall not affect the powers contained in the proviso to section 13(3) of the said Act of 1961 (subleases).]
- (10) Any person who, being the landlord of a croft, fails to comply with the requirements of subsection (1) or subsection (2) of this section shall be liable on summary conviction to a fine not exceeding [^{F16}level 1 on the standard scale].

Status: Point in time view as at 30/11/1991.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1955 (repealed 5.1.1994), Cross Heading: Administration of Crofts. (See end of Document for details)

- (11) For the purposes of this section a croft shall be taken to be vacant at the commencement of this Act notwithstanding that it is occupied, if it is occupied otherwise than by a crofter and the consent of the Secretary of State to such occupation has not been obtained.
- [^{F17}(11A) For the purposes of this section [^{F18}and section 16A of this Act] a croft shall be taken to be vacant notwithstanding that it is occupied, if it is occupied otherwise than by the tenant of the croft.]
- (12) The provisions of subsections (1) and (10) of this section shall not apply to a croft which the Commission have in the exercise of any power conferred on them by this Act declared to be vacant.
- [^{F19}(13) The provisions of this section shall have effect in relation to a part of a croft as they have effect in relation to a croft.]
- [^{F20}(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 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.]

Textual Amendments

- F5** S. 16(1)(aa) inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c. 70), **Sch. 2 Pt. I para. 17**
- F6** Words substituted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c. 70), **Sch. 2 Pt. I para. 17**
- F7** Ss. 16(2), 22(8) repealed by Crofting Reform (Scotland) Act 1976 (c. 21), **Sch. 3**
- F8** S. 16(3A) inserted by Crofters (Scotland) Act 1961 (c. 58), **Sch. 1 Pt. II para. 12(a)**
- F9** S. 16(4)(a) repealed by Crofting Reform (Scotland) Act 1976 (c. 21), **Sch. 3**
- F10** Words repealed by Crofting Reform (Scotland) Act 1976 (c. 21), **Sch. 3**
- F11** Words substituted by Crofting Reform (Scotland) Act 1976 (c. 21), **Sch. 2 para. 8(a)**
- F12** S. 16(7) substituted by Crofting Reform (Scotland) Act 1976 (c. 21), **s. 13(1)**
- F13** Words inserted by Crofting Reform (Scotland) Act 1976 (c. 21), **Sch. 2 para. 8(b)**
- F14** Words inserted by Crofters (Scotland) Act 1961 (c. 58), **Sch. 1 Pt. I para. 5**
- F15** S. 16(9)(9A) substituted for s. 16(9) by Crofting Reform (Scotland) Act 1976 (c. 21), **s. 13(2)**
- F16** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**
- F17** S. 16(11A) inserted by Crofters (Scotland) Act 1961 (c. 58), **Sch. 1 Pt. II para. 12(c)**
- F18** Words inserted by Crofting Reform (Scotland) Act 1976 (c. 21), **Sch. 2 para. 8(c)**
- F19** S. 16(13) inserted by Crofters (Scotland) Act 1961 (c. 58), **Sch. 1 Pt. II para. 12(d)**
- F20** S. 16(14) added by Crofting Reform (Scotland) Act 1976 (c. 21), **Sch. 2 para. 8(d)**

Modifications etc. (not altering text)

- C1** S. 16(6)(8) applied by Crofters (Scotland) Act 1961 (c. 58), **s. 9(7)**

Marginal Citations

- M2** 1964 c. 41.
M3 1961 c. 58.

Status: Point in time view as at 30/11/1991.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1955 (repealed 5.1.1994), Cross Heading: Administration of Crofts. (See end of Document for details)

[^{F21}16A Provisions supplementary to s. 16(9).

- (1) The Commission shall give a direction under section 16(9) of this Act that a croft shall cease to be a croft if—
 - (a) subject to subsection (2) below, they are satisfied that the applicant has applied for the direction in order that the croft may be used for or in connection with some reasonable purpose within the meaning of section 12(2) of this Act and that the extent of the land to which the application relates is not excessive in relation to that purpose; or
 - (b) the application is made in respect of a part of a croft, which consists only of the site of the dwelling-house on or pertaining to the croft and in respect of which a crofter is entitled at the time of the application, or has been entitled, to a conveyance by virtue of section 1(2) of the ^{M4}Crofting Reform (Scotland) Act 1976, and they are satisfied that the extent of garden ground included in that part is appropriate for the reasonable enjoyment of the dwelling-house as a residence.
- (2) Without prejudice to subsection (1)(b) above, the Commission, in determining whether or not to give such a direction, shall have regard to the general interest of the crofting community in the district in which the croft is situated and in particular to the demand, if any, for a tenancy of the croft from persons who might reasonably be expected to obtain that tenancy if the croft were offered for letting on the open market on the date when they are considering the application.
- (3) Where the Commission give such a direction on being satisfied as mentioned in subsection (1)(a) above, they may in the direction impose such conditions as appear to them requisite for securing that the land to which the direction relates is used for the proposed use; and if at any time they are satisfied that there has been a breach of any such condition, they may make a further direction that the land in respect of which there has been such a breach shall be a vacant croft.
- (4) The Commission may, on the application of a crofter who is proposing to acquire croft land or the site of the dwelling-house on or pertaining to his croft, give a direction under the said section 16(9) as if the land were a vacant croft and the application were made by the landlord, that in the event of such acquisition of the land it shall cease to be a croft, or refuse the application; but such a direction shall not have effect until the land to which it relates has been acquired by the crofter or his nominee and unless the acquisition is made within five years of the date of the giving of the direction.
- (5) A direction under the said section 16(9) may be given taking account of such modification of the application in relation to which the direction is given as the Commission consider appropriate.
- (6) The Commission shall advertise all applications under the said section 16(9) or subsection (4) above (except an application made in respect of a part of a croft consisting only of the site of the dwelling-house on or pertaining to the croft) in one or more newspapers circulating in the district in which the croft to which the application relates is situated, and before disposing of such an application shall, if requested by the applicant, afford a hearing to the applicant and to such other person as they think fit.
- (7) The Commission shall give notice in writing to the applicant of their proposed decision on an application made to them under the said section 16(9) or subsection (4) above, specifying the nature of and the reasons for such decision.

Status: Point in time view as at 30/11/1991.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1955 (repealed 5.1.1994), Cross Heading: Administration of Crofts. (See end of Document for details)

- (8) The applicant may within 21 days of receipt of the notice under subsection (7) above, and the owner of land to which a further direction under subsection (3) above relates may within 21 days of the making of that further direction, appeal against the proposed decision or further direction to the Land Court who may hear or consider such evidence as they think fit in order to enable them to dispose of the appeal.
- (9) The Commission shall give effect to the determination of the Land Court on an appeal under subsection (8) above.]

Textual Amendments
F21 S. 16A inserted by Crofting Reform (Scotland) Act 1976 (c. 21), s. 13(3)

Marginal Citations
M4 1976 c. 21.

17 Absentee crofters.

- (1) If the Commission determine in relation to a croft—
 - (a) that the crofter is not ordinarily resident on, or within [^{F22}sixteen kilometres] of, the croft; and
 - (b) that it is in the general interest of the crofting community in the district in which the croft is situate that the tenancy of the crofter should be terminated and the croft let to some other person or persons;

then, subject to the provisions of this section, they shall have power to make an order terminating the tenancy of the crofter and requiring him to give up his occupation of the croft at a term of Whitsunday or Martinmas not earlier than three months after the making of such order.

- (2) Before making an order under the foregoing subsection the Commission shall take into consideration all the circumstances of the case, including the extent, if any, to which the croft is being worked and, where the croft is being worked by a member of the crofter’s family, the nature of the arrangements under which it is being so worked, and shall give to the crofter and to the landlord, not less than six months before the term at which the proposed order will take effect, notice that they propose to make such an order and shall afford to the crofter and the landlord an opportunity of making representations to them against the making of the proposed order.

Where the Commission make such an order, they shall, not less than three months before the term at which the order takes effect, give notice to the crofter and to the landlord of the making of the order.

- (3) Where an order has been made under subsection (1) of this section and the crofter has failed to give up his occupation of the croft on or before the day on which the order takes effect, the sheriff on the application of the Commission shall, except on cause shown to the contrary, grant warrant for ejection of the crofter. The Commission may recover from the crofter the expenses incurred by them in any application under this subsection and in the execution of any warrant granted thereon.

- (4) F23

Status: Point in time view as at 30/11/1991.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1955 (repealed 5.1.1994), Cross Heading: Administration of Crofts. (See end of Document for details)

(9) . . . ^{F24}, a crofter shall, on the termination of his tenancy by an order made under subsection (1) of this section, be entitled to the like rights to, and subject to the like liabilities in respect of, compensation as if he had renounced his tenancy at the term at which the order takes effect.

(10) ^{F23}

Textual Amendments

F22 Words substituted by Crofting Reform (Scotland) Act 1976 (c. 21), **Sch. 2 para. 9**

F23 Ss. 17(4)–(8)(10), 18 repealed by Crofting Reform (Scotland) Act 1976 (c. 21), s. 22(3), **Sch. 3**

F24 Words repealed by Crofting Reform (Scotland) Act 1976 (c. 21), s. 22(3), **Sch. 3**

18 ^{F25}

Textual Amendments

F25 Ss. 17(4)–(8)(10), 18 repealed by Crofting Reform (Scotland) Act 1976 (c. 21), s. 22(3), **Sch. 3**

19—21 ^{F26}

Textual Amendments

F26 Ss. 4, 19–21, 27(6), 34(2), 37(2) and Sch. 4 repealed by Crofters (Scotland) Act 1961 (c. 58), **Sch. 3**

22 Power of Secretary of State to give financial assistance to crofters.

(1) For the purpose of aiding and developing agricultural production on crofts the Secretary of State may, after consultation with the Commission and with the approval of the Treasury, make schemes for providing grants and loans to crofters, and any such schemes may provide for the administration of such grants and loans through the agency of the Commission.

Any scheme under this subsection shall be embodied in a statutory instrument which shall be laid before Parliament after being made.

(2) The Secretary of State may, in accordance with arrangements made by him with the approval of the Treasury, provide assistance by way of grants or loans or by the supply for payment in cash of building or other materials towards the erection or improvement or rebuilding of dwelling-houses and other buildings for crofters.

(3) The Secretary of State may, in accordance with arrangements made by him with the approval of the Treasury, provide assistance by way of loan to the incoming tenant of a croft to enable him to pay to the outgoing tenant of the croft or to the landlord thereof the compensation for permanent improvements due to such outgoing tenant.

(4) Regulations shall be made by the Secretary of State—

(a) for securing that, where a grant has been made towards the erection, improvement or rebuilding of a dwelling-house or other building, conditions

Status: Point in time view as at 30/11/1991.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1955 (repealed 5.1.1994), Cross Heading: Administration of Crofts. (See end of Document for details)

with respect to the occupation and maintenance thereof shall apply thereto for such period from the completion of the work (not being longer than forty years) as may be specified in the regulations;

- (b) for securing that in the event of a breach of any of the conditions the Secretary of State may recover from such person as may be specified in the regulations a sum bearing the same proportion to the grant made as the period between the date of the breach of the condition and the expiration of the period specified under paragraph (a) of this subsection bears to the lastmentioned period, together with interest on such sum from the date on which the grant was made at such rate as may be specified in the regulations;
- (c) for providing that the conditions applied by the regulations to a dwelling-house or building shall cease to apply on payment to the Secretary of State by such person as may be specified in the regulations of such amount as may be so specified;
- (d) F27
- (e) for securing that, where any conditions apply to a dwelling-house or building by virtue of the regulations, the Secretary of State shall cause to be recorded in the appropriate Register of Sasines a notice in a form prescribed by the regulations specifying the conditions which by virtue of the regulations apply to the dwelling-house or building; and that, where such conditions cease so to apply [F28]by virtue of such a payment to the Secretary of State as is referred to in paragraph (c) above,]the Secretary of State shall cause to be so recorded a notice in a form prescribed as aforesaid stating that the conditions no longer apply to the dwelling-house or building;
- (f) for such other incidental and supplementary matters as appear to the Secretary of State to be requisite or expedient for the purposes aforesaid.

(5) No assistance by way of grant shall be given under subsection (2) of this section towards the erection, improvement or rebuilding of any dwelling-house or other building [F29]or towards the provision or improvement of roads, or water or electricity or gas supplies] if assistance out of public moneys by way of grant or subsidy has been given under any other enactment towards [F30]the works in question].

(6) For the purposes of subsection (2) of this section the occupier of a holding constituted under the M5Congested Districts (Scotland) Act 1897, on land acquired by the Congested Districts (Scotland) Commissioners, who is also the owner of the holding, shall be deemed to be a crofter.

(7) A person shall not be disqualified for receiving assistance under subsection (2) of this section by reason only that after he has applied for and the Secretary of State has undertaken to provide such assistance he has become the owner of the croft in respect of which the application was made.

(8) F31

Textual Amendments

- F27** S. 22(4)(d) repealed by Crofting Reform (Scotland) Act 1976 (c. 21), Sch. 3
- F28** Words inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 75:2), s. 31
- F29** Words inserted by Crofting Reform (Scotland) Act 1976 (c. 21), Sch. 2 para. 10
- F30** Words substituted by Crofting Reform (Scotland) Act 1976 (c. 21), Sch. 2 para. 10
- F31** Ss. 16(2), 22(8) repealed by Crofting Reform (Scotland) Act 1976 (c. 21), Sch. 3

Status: Point in time view as at 30/11/1991.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1955 (repealed 5.1.1994), Cross Heading: Administration of Crofts. (See end of Document for details)

Modifications etc. (not altering text)

- C2** S. 22(1) extended by Crofters (Scotland) Act 1961 (c. 58), s. 14 and Crofting Reform (Scotland) Act 1976 (c. 21), s. 12(5)
- C3** S. 22(2) extended by Crofting Reform (Scotland) Act 1976 (c.21), s. 12(1)(2)

Marginal Citations

- M5** 1897 c. 53.

23 Supplementary provisions as to loans.

- (1) Where assistance is given under subsection (2) or subsection (3) of the last foregoing section by way of loan, the following provisions of this section shall have effect.
- (2) The Secretary of State shall give notice to the landlord of the giving of any such assistance as aforesaid.
- (3) The agreement for the loan shall be recorded in the Crofters Holdings Book and as recorded shall have the effect of transferring to the Secretary of State all rights of the crofter and his statutory successors to compensation for permanent improvements up to the amount of any outstanding liability to the Secretary of State.
- (4) Any amount due by virtue of subsection (3) of this section to the Secretary of State by the landlord may, if the Secretary of State on the application of the landlord so determines, be deemed to be a loan by the Secretary of State to the landlord, and the provisions of the Third Schedule to this Act shall apply in relation thereto.
- (5) Where the outgoing tenant of a croft is under any liability to the Secretary of State in respect of a loan made to him, the Secretary of State and the incoming tenant may agree that the latter shall assume such liability, and if they so agree the amount thereof shall be deemed to be a loan made to the incoming tenant under subsection (3) of the last foregoing section, and this section shall have effect accordingly.
- (6) The provisions of the Third Schedule to this Act shall apply in relation to any loan made by virtue of subsection (6) or subsection (7) of the last foregoing section.

Modifications etc. (not altering text)

- C4** S. 23(3) amended by Coal-Mining (Subsidence) Act 1957 (c. 59), s. 10(7)
- C5** S. 23(3) modified (1.4.1991) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 8(9)(a)
- C6** S. 23(3) amended (E.W.S.) (30.11.1991) by Coal Mining Subsidence Act 1991 (c. 45, SIF 86), s. 21(1), Sch. 3, para. 3(b) (with s. 37(4), Sch. 7); S.I. 1991/2508, art.2

Status:

Point in time view as at 30/11/1991.

Changes to legislation:

There are currently no known outstanding effects for the Crofters (Scotland) Act 1955 (repealed 5.1.1994), Cross Heading: Administration of Crofts.