

SCHEDULES

FIRST SCHEDULE

Section 1.

PROVISIONS AS TO THE CROFTERS COMMISSION

Constitution of the Commission

- 1 The Commission shall be a body corporate and shall have a common seal.
- 2 Every member of the Commission shall hold and vacate office in accordance with the terms of the instrument under which he is appointed; but notwithstanding anything in such an instrument any member of the Commission may resign his office by a notice given under his hand to the Secretary of State, and a member of the Commission who ceases to hold office shall be eligible for re-appointment to the Commission.
- 3 A person shall be disqualified for membership of the Commission if and so long as he is a member of the Commons House of Parliament.
- 4 The Secretary of State shall pay to the members of the Commission such remuneration and such allowances as he may, with the approval of the Treasury, determine.

Meetings and Proceedings of the Commission

- 5 The quorum of the Commission shall be three or such larger number as the Commission may from time to time determine.
- 6 The proceedings of the Commission shall not be invalidated by any vacancy in the membership of the Commission or by any defect in the appointment of any member thereof.
- 7 If at any meeting of the Commission the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote.
- 8 The Commission shall refer to one or more of their number for report and recommendation such matters as may be determined by the Commission and shall delegate to one or more of their number such of the functions conferred on the Commission by this Act, to such extent and subject to such conditions or restrictions, as may with the approval of the Secretary of State be so determined.
- 9 In any application or other proceeding coming before them the Commission may order that the evidence shall be taken on oath.
- 10 Subject to the foregoing provisions of this Schedule, the Commission shall have power to regulate their own procedure.

Office, Officers and Servants

- 11 The Commission shall have an office in the crofting counties at which communications and notices will at all times be received.

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- 12 The Secretary of State may provide the services of such officers and servants as the Commission may require.

Instruments executed or issued by the Commission

- 13 The application of the seal of the Commission to any document shall be attested by at least one member of the Commission and by the person for the time being acting as secretary to the Commission.
- 14 Every document purporting to be an instrument issued by the Commission and to be sealed and attested as aforesaid or to be duly signed on behalf of the Commission shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

SECOND SCHEDULE

Section 3.

THE STATUTORY CONDITIONS

- 1 The crofter shall pay his rent at the terms at which it is due and payable.
- 2 The crofter shall not, except in accordance with the provisions of this Act, execute any deed purporting to assign his tenancy.
- 3 The crofter shall, by himself or his family, with or without hired labour, cultivate his croft, without prejudice to the right hereby conferred on him to make such use thereof for subsidiary or auxiliary occupations as, in case of dispute, the Commission may find to be reasonable and not inconsistent with the cultivation of the croft.
- 4 The crofter shall not, to the prejudice of the interest of the landlord, persistently injure the croft by the dilapidation of buildings or, after notice in writing has been given by the landlord to the crofter not to commit, or to desist from, the particular injury specified in the notice, by the deterioration of the soil.
- 5 The crofter shall not, without the consent in writing of the landlord, sublet his croft or any part thereof:
- Provided that nothing in this paragraph shall be construed as debarring a crofter from subletting his dwelling-house to holiday visitors.
- 6 The crofter shall not, except in accordance with the provisions of this Act, subdivide his croft.
- 7 The crofter shall not, without the consent in writing of the landlord, erect or suffer to be erected on the croft any dwelling-house otherwise than in substitution for a dwelling-house which at the commencement of this Act was already on the croft:
- Provided that, if at the commencement of this Act there was no dwelling-house on the croft, the crofter may erect one dwelling-house thereon.
- 8 The crofter shall not persistently violate any written condition signed by him for the protection of the interest of the landlord or of neighbouring crofters which is legally applicable to the croft and which the Land Court shall find to be reasonable.

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- 9 The crofter shall not do any act whereby he becomes notour bankrupt within the meaning of the Bankruptcy (Scotland) Act, 1913, and shall not execute a trust deed for creditors.
- 10 The crofter shall permit the landlord or any person authorised by the landlord in that behalf to enter upon the croft for the purpose of exercising (subject always to the payment of such compensation as in case of dispute the Land Court may find to be reasonable in respect of any damage done or occasioned thereby) any of the following rights, and shall not obstruct the landlord or any person authorised as aforesaid in the exercise of any of such rights, that is to say—
- (a) mining or taking minerals, or digging or searching for minerals;
 - (b) quarrying or taking stone, marble, gravel, sand, clay, slate or other workable mineral;
 - (c) using for any estate purpose any springs of water rising on the croft and not required for the use thereof;
 - (d) cutting or taking timber or peats, excepting timber and other trees planted by the crofter or any of his predecessors in the tenancy, or which may be necessary for ornament or shelter, and excepting also such peats as may be required for the use of the croft;
 - (e) opening or making roads, fences, drains and water-courses;
 - (f) passing and re-passing to and from the shore of the sea or any loch with or without vehicles for the purpose of exercising any right of property or other right belonging to the landlord;
 - (g) viewing or examining at reasonable times the state of the croft and all buildings or improvements thereon;
 - (h) hunting, shooting, fishing or taking game or fish, wild birds or vermin;
- but nothing in this paragraph shall be held to preclude the crofter from recovering any compensation for damage by game which is recoverable under section fifteen of the Agricultural Holdings (Scotland) Act, 1949, by a tenant, and that section shall apply accordingly, with the substitution, however, of the Land Court for arbitration.
- 11 The crofter shall not on his croft, without the consent in writing of the landlord, open any house for the sale of intoxicating liquors.
- 12 In this Schedule—
- the expression "cultivate" includes the use of a croft for horticulture or for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, and the growing of fruit, vegetables and the like;
 - the expression "game" means deer, hares, rabbits, pheasants, partridges, grouse, blackgame, capercailzie, ptarmigan, woodcock, snipe, wild duck, widgeon and teal.

THIRD SCHEDULE

Sections 17, 18, 20, 23, 31.

PROVISIONS AS TO SECURITY, ETC., OF LOANS

- 1 The loan shall be secured by a bond which shall be a charge on the land in favour of the Secretary of State.
- 2 The loan shall either be repaid by half-yearly instalments of principal with such interest and within such period (not exceeding such period as may be fixed by the

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Treasury) from the date of the loan, or at such date thereafter not exceeding eighteen months as may be agreed on, or shall be repaid with such interest and within such period by a terminable annuity payable by half-yearly instalments.

3 The amount for the time being unpaid may at any time be discharged, and any such terminable annuity may at any time be redeemed in accordance with tables fixed by the Secretary of State.

4 A certificate by the Secretary of State that the whole of the loan has been repaid or that such terminable annuity has been redeemed shall, without any other instrument, operate as a discharge of the loan or extinction of the terminable annuity, as the case may be, and the recording of such certificate in the appropriate Register of Sasines shall be equivalent to the recording of a discharge of the said bond.

5 The Secretary of State shall cause to be prepared and duly recorded all deeds, writs and instruments necessary for securing the payment of any loan over land made by him, and shall include in the loan the cost so incurred, or to be incurred, in accordance with scales set forth in tables fixed by the Secretary of State.

FOURTH SCHEDULE

Section 21.

RULES OF GOOD HUSBANDRY

1 For the purposes of section twenty-one of this Act, a crofter shall be deemed to fulfil his duty to work his croft in accordance with the rules of good husbandry in so far as the extent to which and the manner in which the croft is being worked (as respects both the kind of operations carried out and the way in which they are carried out) are such that, having regard to the character and situation of the croft and other relevant circumstances, the crofter is maintaining a reasonable standard of efficient production as respects both the kind of produce and the quality and quantity thereof, while keeping the croft in a condition to enable such a standard to be maintained in the future.

2 In determining whether the manner in which the croft is being worked is such as aforesaid regard shall be had, but without prejudice to the generality of the provisions of the last foregoing paragraph, to the following—

- (a) the maintenance of permanent grassland properly mown or grazed and in a good state of cultivation and fertility;
- (b) the handling or cropping of the arable land, including the treatment of temporary grass, so as to maintain it clean and in a good state of cultivation and fertility;
- (c) where the system of farming practised requires the keeping of livestock, the proper stocking of the croft;
- (d) the maintenance of an efficient standard of management of livestock;
- (e) as regards bill sheep farming in particular—
 - (i) the maintenance of a sheep stock of a suitable breed and type in regular ages (so far as is reasonably possible) and the keeping and management thereof in accordance with the recognised practices of hill sheep farming;
 - (ii) the use of lug, horn or other stock marks for the purpose of determining ownership of sheep stock;

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- (iii) the regular selection and retention of the best female stock for breeding;
- (iv) the regular selection and use of tups possessing the qualities most suitable and desirable for the flock;
- (v) the extent to which regular muirburn is made;
- (f) the extent to which the necessary steps are being taken—
 - (i) to secure and maintain the freedom of crops and livestock from disease and from infestation by insects and other pests;
 - (ii) to exercise systematic control of vermin and of bracken, whins, broom and injurious weeds;
 - (iii) to protect and preserve crops harvested or in course of being harvested;
 - (iv) to carry out necessary work of maintenance and repair of the fixed and other equipment.

FIFTH SCHEDULE

Section 37.

PERMANENT IMPROVEMENTS

- 1 Dwelling-house.
- 2 Farm offices.
- 3 Subsoil and other drains.
- 4 Walls and fences.
- 5 Deep trenching.
- 6 Clearing the ground.
- 7 Planting trees.
- 8 Making piers or landing stages.
- 9 Roads practicable for vehicles from the croft to the public road or the sea shore.
- 10 All other improvements which, in the judgment of the Land Court, will add to the value of the croft to an incoming tenant.

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SIXTH SCHEDULE

Section 38.

APPLICATION OF ENACTMENTS TO CROFTING COUNTIES

PART I

Enactments ceasing to have effect

Enactment	Provisions ceasing to have effect in crofting counties
The Crofters Holdings (Scotland) Act, 1886. (49 & 50 Vict. c. 29.)	Sections one to ten. In section twelve the words from "It shall be competent for the Crofters Commission to draw up a scheme " to the end of the section. Section sixteen. Sections nineteen and twenty. Sections thirty-one and thirty-four. The Schedule.
The Crofters Holdings (Scotland) Act, 1887. (50 & 51 Vict. c. 24.)	The whole Act.
The Crofters Common Grazings Regulation Act, 1891. (54 & 55 Vict. c. 41.)	The whole Act.
The Crofters Common Grazings Regulation Act, 1908. (8 Edw. 7. c. 50.)	The whole Act.
The Small Landholders (Scotland) Act, 1911. (1 & 2 Geo. 5. c. 49.)	Sections one and two. Sections eight to ten. Sections twelve to fifteen. Sections seventeen to twenty-three. Section twenty-four except paragraph (b) of subsection (5). Section twenty-seven. Sections thirty-two and thirty-three.
The Land Settlement (Scotland) Act, 1919. (9 & 10 Geo. 5. c. 97.)	Sections twelve and thirteen. Section fourteen except in relation to paragraph (b) of the subsection substituted for subsection (5) of section twenty-four of the Act of 1911. Section seventeen and the Second Schedule in so far as they amend subsection (6) of section seven and section twenty-four of the Act of 1911.

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Enactment	Provisions ceasing to have effect in crofting counties
The Small Landholders (Scotland) Act, 1931. (21 & 22 Geo. 5. c. 44.)	Section one. Sections three, five and six. Sections eight to fourteen. Section eighteen. Sections twenty-two to twenty-five.
The Agriculture (Scotland) Act, 1948. (11 & 12 Geo. 6. c. 45.)	Part II and the Fifth and Sixth Schedules in so far as they apply to any land being or forming part of a croft within the meaning of this Act. Sections sixty-six and seventy-seven.

PART II

Modification of Enactments

Enactment	Modification of enactments in application to crofting counties
The Small Landholders (Scotland) Act, 1911. (1 & 2 Geo. 5. c. 49.)	In section seven, subsections (1) and (6) and in paragraph (f) of subsection (11) the words from " and it may be a term " to the end of the paragraph shall be omitted. In section twenty-six, subsection (1), in subsection (2) the words from " and shall not " to the end of the subsection, and subsections (3), (6), (8), (9) and (10) shall be omitted; and in subsection (7) for the words from the beginning of the subsection to " nothing in that section " there shall be substituted the words " Nothing in section thirty-three of the Act of 1886 ". In section thirty-one, in subsection (1) the definitions of "Act of 1887 ", " Act of 1891", "Act of 1908 " and "statutory successor ", and subsection (4) shall be omitted.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Lands Clauses Consolidation (Scotland) Act, 1845	8 & 9 Vict. c. 19.
Ground Game Act, 1880	43 & 44 Vict. c. 47.

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Short Title	Session and Chapter
Crofters Holdings (Scotland) Act, 1886	49 & 50 Vict. c. 29.
Congested Districts (Scotland) Act, 1897	60 & 61 Vict. c. 53.
Small Landholders (Scotland) Act, 1911	1 & 2 Geo. 5. c. 49.
Bankruptcy (Scotland) Act, 1913	3 & 4 Geo. 5. c. 20.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Conveyancing (Scotland) Act, 1924	14 & 15 Geo. 5. c. 27.
Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940	3 & 4 Geo. 6. c. 42.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Agricultural Holdings (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 75.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.