



Crofters (Scotland) Act 1955

1955 CHAPTER 21

Crofting Tenure

14 Compensation for improvements and compensation for deterioration or damage

- (1) When a crofter renounces his tenancy or is removed from his croft, he shall, subject to the provisions of this Act, be entitled to compensation for any permanent improvement made on the croft if—
 - (a) the improvement is suitable to the croft; and
 - (b) the improvement was executed or paid for by the crofter or any of his predecessors in the tenancy ; and
 - (c) either the improvement was executed otherwise than in pursuance of a specific agreement in writing under which the crofter was bound to execute the improvement or, if the improvement was executed in pursuance of such an agreement, the crofter has not received, by way of reduction of rent or otherwise, fair consideration for the improvement.
- (2) Where—
 - (a) a person on becoming the tenant of a croft has with the consent of the landlord paid to the outgoing tenant any compensation due to him in respect of any permanent improvement and has agreed with the Secretary of State to assume any outstanding liability to the Secretary of State of the outgoing tenant in respect of any loan made to him ; or
 - (b) on a person becoming the tenant of a croft the Secretary of State on his behalf has paid to the landlord a sum representing the value to such person of an existing improvement on the croft;

such person shall for the purposes of the foregoing subsection be deemed to have executed or paid for the improvement.

For the purposes of paragraph (a) of this subsection a landlord who has not paid the compensation due either to the outgoing tenant or to the Secretary of State and has not applied to the Secretary of State to determine under subsection (4) of section twenty-three of this Act that any amount due by him to the Secretary of State by virtue of

Status: This is the original version (as it was originally enacted).

subsection (3) of that section shall be deemed to be a loan by the Secretary of State to him shall be deemed to have given his consent.

- (3) The provisions of subsection (1) of this section shall not apply to any buildings erected by a crofter in contravention of any interdict or other judicial order.
- (4) An improvement shall be valued under this Act at such sum as fairly represents the value of the improvement to an incoming tenant.
- (5) In fixing the amount of compensation payable under subsection (1) of this section for improvements there shall be taken into account and deducted from the compensation the value of any assistance or consideration which may be proved to have been given by the landlord or any of his predecessors in title in respect of any of the improvements.
- (6) Where a crofter renounces his tenancy or is removed from his croft the landlord shall be entitled to recover from him compensation for any deterioration of, or damage to, any fixed equipment provided by the landlord committed or permitted by the crofter.
- (7) The amount of the compensation payable under the last foregoing subsection shall be the cost, as at the date of the crofter's quitting the croft, of making good the deterioration or damage ; and the landlord shall be entitled to set off the amount so payable against any compensation payable in respect of permanent improvements.
- (8) The amount of the compensation payable under subsection (1) or subsection (6) of this section shall, failing agreement, be fixed by the Land Court.
- (9) Where a crofter has given notice of renunciation of his tenancy, the Land Court may, on the joint application of the crofter and the landlord or, where the crofter's rights to compensation for permanent improvements have been transferred in whole or in part under section twenty-three of this Act to the Secretary of State, on the joint application of the Secretary of State and the landlord, assess prior to the renunciation the amounts which will on renunciation become due under this section by the landlord by way of compensation for permanent improvements and by the crofter by way of compensation for deterioration or damage; and the amounts so assessed shall, on renunciation, become due accordingly.
- (10) Nothing in this Act shall affect the provisions of the Agricultural Holdings (Scotland) Act, 1949, with respect to the payment to outgoing tenants of compensation for improvements:
Provided that—
 - (a) where any improvements are valued under that Act with a view to the payment of compensation to a crofter, the valuation shall, unless the landlord and the crofter otherwise agree in writing, be made by the Land Court; and
 - (b) compensation shall not be payable under that Act for an improvement for which compensation is payable under this Act.
- (11) Notwithstanding anything in this section, a crofter who immediately before the commencement of this Act was a statutory small tenant or the statutory successor of such a crofter shall not be entitled, in respect of any permanent improvement made or begun before the commencement of this Act, to any compensation to which he would not have been entitled if his tenancy had expired immediately before the commencement of this Act.