



Crofters (Scotland) Act 1955

1955 CHAPTER 21

Administration of Crofts

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

the landlord shall within one month from the receipt of the notice or from the date on which the Land Court made the order or the vacancy came to his knowledge, as the case may be, give notice thereof to the Commission.

(2) Where any croft is at the commencement of this Act vacant or the subject of a notice of renunciation or of an order of the Land Court for the removal of the crofter which has not yet taken effect, the landlord shall within three months after the commencement of this Act give notice to that effect to the Commission.

(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.

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

- (a) in the case of a croft which is vacant at the commencement of this Act, at any time after the expiry of one month from the date on which notice of the vacancy is given under subsection (2) of this section, or after the expiry of four months from the commencement of this Act, whichever is the earlier;
- (b) in any other case, 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 an application to the Secretary of State under subsection (3) of this section for consent to let, or under subsection (9) thereof for a direction that the croft shall cease to be a croft, is under the consideration of the Secretary of State.

- (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.
- (7) Where a croft has, in consequence of the making of an order under subsection (1) of section seventeen of this Act or under subsection (5) of section twenty-one thereof, become vacant and has remained unlet for a period of six months beginning with the date on which the croft so became vacant, the Secretary of State shall, if the landlord, at any time within three months after the expiry of the period aforesaid, gives notice to the Secretary of State requiring him so to do, direct that the croft shall cease to be a croft and shall purchase the buildings on the croft.
- (8) Where a notice has been duly given under paragraph (b) of subsection (6) of this section or 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 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.

- (9) Where a croft is vacant, the landlord may apply to the Secretary of State to direct that it shall cease to be a croft; and if the Secretary of State directs under this subsection or under subsection (7) of this section that a croft shall cease to be a croft, 'the provisions of this Act shall cease to apply to the croft, without prejudice, however, to the subsequent exercise of any powers conferred by any enactment for the constitution of new crofts or the enlargement of existing crofts.
- (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 ten pounds.

- (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.
- (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.