



Crofters (Scotland) Act 1955

1955 CHAPTER 21

Administration of Crofts

21 Duty of crofter to work croft in accordance with rules of good husbandry

- (1) It shall be the duty of every crofter to work his croft in accordance with the rules of good husbandry and to provide such fixed equipment on his croft as may be necessary to enable him to do so.
- (2) The provisions of the Fourth Schedule to this Act shall have effect for the purpose of determining for the purposes of this section whether a crofter is fulfilling his duty to work his croft in accordance with the rules of good husbandry.
- (3) Where the Commission are satisfied that a crofter is not fulfilling the duty imposed on him by subsection (1) of this section, they may, after affording to him an opportunity of making representations to them, serve on him a notice (in this section referred to as a "warning notice") to that effect. A warning notice shall specify the general grounds on which the Commission are satisfied as aforesaid; and so long as such notice continues in force the Commission may from time to time by notice served on the crofter give to him such directions as they are satisfied are required to secure that he fulfils the duty imposed on him by subsection (1) of this section.
- (4) While a warning notice is in force the Commission shall within twelve months from the date on which it was served and thereafter at intervals of not more than twelve months while it is in force review the working of the croft, and if they are satisfied that it is no longer necessary that the warning notice should continue in force, they shall withdraw it and shall give notice to the crofter that they have done so, or if they are not so satisfied they shall give notice to the crofter that the warning notice is to continue in force:

Provided that the withdrawal of the warning notice shall not affect any direction given thereunder in so far as it is in force immediately before the withdrawal of the notice.

- (5) Where a warning notice is and has for an immediately preceding period of not less than twelve months been in force in relation to a croft, and the Commission are satisfied that the working of the croft has not shown satisfactory improvement, they shall have

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power to make an order terminating the crofter's tenancy of the croft at the next following term of Whitsunday or Martinmas not earlier than six months after the date of such order.

- (6) The Commission shall not make an order under the last foregoing subsection until, after affording to the crofter an opportunity of making representations to them, they have given to the crofter notice of the proposal to make the order together with such particulars as appear to them requisite for informing the crofter of the general grounds on which they are satisfied as mentioned in the said subsection.

A crofter to whom notice of a proposal is given under this subsection may require that the proposal shall be referred to the Land Court, and the provisions of section seventy-one of the Agriculture (Scotland) Act, 1948, and of any regulations made thereunder shall apply to a reference under this section as they apply to a reference under that Act, with the substitution, however, for references to the Secretary of State of references to the Commission.

- (7) Before making an order under subsection (5) of this section the Commission shall take into consideration the general circumstances of the crofter, including his employment, if any, in one or more of the occupations commonly followed as subsidiary or auxiliary to the cultivation of a croft, and the need of the crofter for the croft as a place of residence.
- (8) The Commission shall forthwith give notice of the making of an order under this section to the crofter, and thereupon the like consequences shall ensue as if the crofter had duly given notice terminating his tenancy of the croft as at the term specified in the order ; and if the crofter fails to give up his occupation of the croft in accordance with an order made under this section subsection (3) of section seventeen of this Act shall apply as it applies where a crofter fails to give up the occupation of a croft in accordance with an order made under subsection (1) of that section.
- (9) The Commission shall send to the landlord of a croft a copy of any notice given by them under this section to the tenant of the croft.