

SCHEDULES

FIRST SCHEDULE

AMENDMENTS OF THE ACT OF 1955

PART I

AMENDMENTS CONSEQUENTIAL ON SECTION SIX OF THIS ACT

- 1 In subsection (2) of section seven (which provides that the landlord of a croft may set off all rent due or to become due by a crofter who has renounced his tenancy against any sum due to the crofter or to the Secretary of State by way of compensation for permanent improvements) after the words " any sum found to be due " there shall be inserted the words " by the landlord ".
- 2 After subsection (7) of section eleven (which provides that where a croft has been declared vacant under subsection (5) of that section the landlord shall be liable to make certain payments to the executor of the deceased crofter in respect of permanent improvements on the croft) there shall be inserted the following subsections—
 - “(7A) Where a croft has been declared under subsection (5) of this section to be vacant consequent on the death after the commencement of the Crofters (Scotland) Act, 1961, of a crofter who immediately before his death was qualified as mentioned in the next following subsection, and the value of the improvements on the croft is determined by the Land Court under the last foregoing subsection, the executor of the crofter may request the Land Court to determine what would have been the value of the improvements on the croft if the said Act had not been passed, and if the value last mentioned is greater than the value determined by the Land Court under the last foregoing subsection, the difference between the two said values shall be payable to the executor by the Secretary of State:

Provided that the Secretary of State shall be entitled to set off any amount due to him by the crofter at the date of his death in respect of a loan made under subsection (2) or (3) of section twenty-two of this Act or subsection (7) of section seven or section nine of the Act of 1911 against any sum payable to the executor by the Secretary of State under this subsection.
 - (7B) The reference in the last foregoing subsection to a crofter who immediately before his death was qualified is a reference to a crofter—
 - (a) whose tenancy of the croft in question began before the commencement of the Crofters (Scotland) Act, 1961, or
 - (b) who held the tenancy of such croft as statutory successor to his immediate predecessor in the tenancy and each of whose predecessors (being in each case a person whose tenancy of the croft

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began after the commencement of the said Act) held such tenancy as statutory successor to his immediate predecessor.”.

3 In subsection (3) of section thirteen (which provides that the landlord of a croft may set off all rent due by a crofter who has been removed from such croft against any sum due to the crofter for permanent improvements) after the words " any sum found to be due " there shall be inserted the words " by the landlord ".

4 In subsection (7) of section fourteen (which provides that the landlord of a croft may set off any compensation for deterioration due by a crofter on the termination of his tenancy against any compensation payable to the crofter for permanent improvements) after the words " any compensation payable " there shall be inserted the words " by him ".

5 In subsection (8) of section sixteen (which relates to the compulsory purchase by the Secretary of State of certain buildings on a vacant croft) after the words " entitled to receive " there shall be inserted the words " from the landlord ".

6 In subsection (8) of section seventeen (which relates to the consideration payable by an absentee crofter in respect of the conveyance to him of his dwelling-house) the words " to an incoming tenant" shall be omitted.

7 For subsection (2) of section twenty-eight of the Act of 1955 (which relates to the amount of the compensation payable under subsection (1) of that section to a cottar who renounces his tenancy or is removed from the subject occupied by him in respect of permanent improvements on that subject) there shall be substituted the following subsections—

“(2) The amount of the compensation payable under the foregoing subsection shall, failing agreement, be fixed by the Land Court, and—

- (a) where the cottar renounced his tenancy or was removed from his subject before the commencement of the Crofters (Scotland) Act, 1961, the provisions of subsections (3), (4) and (5) of section fourteen of this Act (which relates to compensation to crofters for improvements) shall apply in relation to such cottar as they apply in relation to a crofter whose tenancy was terminated before the said commencement;
- (b) where the cottar renounces his tenancy or is removed from his subject after the commencement of the said Act of 1961, the provisions of subsection (3) of section fourteen of this Act and of subsections (1) and (2) of section six of the said Act of 1961 (which relate to compensation to crofters for improvements) shall apply in relation to such cottar as they apply in relation to crofters.

(2A) Where compensation falls to be assessed under subsections (1) and (2) of section six of the said Act of 1961, as applied by paragraph (b) of the last foregoing subsection, in respect of any permanent improvement and the amount of such compensation is fixed by the Land Court under the last foregoing subsection, then if the cottar is qualified as mentioned in the next following subsection he may request the Land Court to determine the amount which would have been payable by way of compensation in respect of that improvement if the said Act of 1961 had not been passed, and if the amount last mentioned is greater than the amount fixed by the Land Court as aforesaid, the difference between the two said amounts shall be payable to the cottar by the Secretary of State:

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Provided that—

- (a) the Secretary of State shall be entitled to set off any amount due to him by the cottar in respect of a loan made under subsection (2) of section twenty-two of this Act or section nine of the Act of 1911 against any sum payable to the cottar by the Secretary of State under this subsection ; and
 - (b) this subsection shall not apply where compensation in respect of the improvement in question has on a previous occasion fallen to be assessed under subsections (1) and (2) of section six of the said Act of 1961, as applied as aforesaid.
- (2B) The reference in the last foregoing subsection to a cottar who is qualified is a reference to a cottar—
- (a) whose occupation of the subject in question began before the commencement of the said Act of 1961, or
 - (b) who occupies such subject as heir-at-law, legatee or assignee of his immediate predecessor as occupier of the subject, and each of whose predecessors (being in each case a person whose occupation of the subject began after the commencement of the said Act of 1961) occupied the subject as heir-at-law, legatee or assignee of his immediate predecessor.”.