



Crofters (Scotland) Act 1961

1961 CHAPTER 58

2 Provisions as to new crofts and enlarged crofts and common grazings

- (1) The landlord and the tenant of any holding which—
- (a) is situated in the crofting counties but is not a croft, and
 - (b) is either a holding of which the area does not exceed seventy-five acres (exclusive of any common pasture or grazing held therewith) or a holding of which the annual rent does not exceed fifty pounds,
- may apply jointly to the Secretary of State for a direction that the holding shall be a croft, and the Secretary of State may, if he thinks fit, make the direction applied for and, if he makes such direction, then as from the date of the direction the holding shall be a croft and the Act of 1955 and this Act shall apply thereto accordingly.
- (2) Where the owner of any land which is not itself a croft and which does not form part of a croft agrees to grant a tenancy of such land to any crofter, then—
- (a) except in such a case as is mentioned in paragraph (b) of this subsection, if the owner of the said land and the crofter agree that such land will form part of any croft of which the crofter is tenant, the land shall, as from the date of entry under the said tenancy, form part of such croft, and the Act of 1955 and this Act shall apply accordingly to the croft as so enlarged ;
 - (b) in a case where the area of the croft (exclusive of any common pasture or grazing held therewith) together with the area of the land exceeds seventy-five acres and the rent of the croft together with the rent under the said tenancy exceeds fifty pounds, the Secretary of State may, on an application in that behalf made to him jointly by the owner of the land and the crofter, direct that the land shall form part of the croft and, if he makes such direction, then as from the date of the direction or the date of entry under the said tenancy, whichever is the later, the land shall form part of the croft, and the Act of 1955 and this Act shall apply accordingly to the croft as so enlarged.
- (3) Where any such land as is mentioned in paragraph (a) of subsection (3) of section eight of this Act is included in a reorganisation scheme made under that section and confirmed by the Secretary of State, then as from the date on which the scheme is put into effect the Act of 1955 and this Act shall apply to such land.

Status: This is the original version (as it was originally enacted).

- (4) Where the owner of any land to which the Act of 1955 and this Act do not apply agrees to grant rights in any pasture or grazing land to the crofters sharing in any common grazing and the said owner and crofters agree that such land will form part of the said common grazing, then as from the date on which such rights are first exercisable by the crofters, the land shall form part of the common grazing, and the said Acts shall apply accordingly to the common grazing as so enlarged.
- (5) The Secretary of State shall give notice to the Commission of any direction given by him under subsection (1) or (2) of this section, and the owner of any land which becomes part of a croft or of a common grazing by virtue of paragraph (a) of subsection (2) of this section or, as the case may be, the last foregoing subsection, shall give notice to the Commission of the enlargement of such croft or common grazing.
- (6) In the application to the crofting counties of section four of the Small Landholders and Agricultural Holdings (Scotland) Act, 1931 (which amongst other things confers power on the Land Court in certain circumstances to cancel the registration of a person as a crofter) the words from " and where a person " to the end of the section shall cease to have effect, and section four of the Act of 1955 (which relates to the registration of crofters) shall also cease to have effect.
- (7) Any reference in the Landholders Acts to the registration of the tenant of any holding as a crofter shall, in the application of those Acts to the crofting counties, be construed as a reference to the giving by the Secretary of State of a direction under subsection (1) of this section that the holding shall be a croft.