



Crofters (Scotland) Act 1961

1961 CHAPTER 58

7 Amendment of law with respect to absentee crofters and provisions regarding conveyance of dwelling-house to certain crofters

- (1) Subsection (1) of section seventeen of the Act of 1955 (which relates to absentee crofters and treats as an absentee crofter a crofter who is not ordinarily resident on, or within two miles of, his croft) shall have effect as if for the words " two miles" there were substituted the words " ten miles ".
- (2) Where an order terminating the tenancy of a crofter has been made under the said subsection (1) such crofter shall be entitled, subject to the provisions of that section, to obtain a conveyance in feu of the dwelling-house and other pertinents on the croft as mentioned in subsection (4) of that section notwithstanding that the Commission have not been satisfied that the dwelling-house will not be required after the termination of the tenancy in connection with any future occupation of the croft; and accordingly the said subsection (4) shall have effect as if paragraph (b) thereof were omitted.
- (3) The feu duty payable in respect of any dwelling-house and pertinents of which a conveyance in feu is granted in pursuance of the said section seventeen shall, failing agreement between the crofter and the landlord, be such sum as may be determined by the Land Court to be reasonable, and accordingly in subsection (4) of that section for the words " by the Commission to be reasonable " there shall be substituted the words " to be reasonable, in the case of feu duty, by the Land Court, and in any other case, by the Commission ".
- (4) A conveyance in feu of the dwelling-house and other pertinents on a croft granted in pursuance of the said section seventeen to the crofter by or on behalf of his landlord shall, if the landlord so requires, contain a clause conferring on the superior a right of pre-emption of the subjects conveyed on the first occasion occurring after the grant of the conveyance when the subjects are offered for sale.
- (5) The Commission shall, on being so requested by a crofter, act on behalf of such crofter in any matter connected with the grant to him in pursuance of the said section seventeen of a conveyance in feu of the dwelling-house and other pertinents on the croft and the recording of such conveyance in the Register of Sasines.

Status: This is the original version (as it was originally enacted).

- (6) Any expenses incurred by the Commission in complying with a request made to them by a crofter under the last foregoing subsection or in preparing and recording a conveyance as mentioned in subsection (5) of the said section seventeen shall be borne by the Commission and shall not be recoverable by them from any other person.