



Crofters (Scotland) Act 1961

1961 CHAPTER 58

9 Putting into effect of reorganisation schemes

- (1) It shall be the duty of the Commission to put into effect any reorganisation scheme confirmed by the Secretary of State under the last foregoing section, and the Commission may, subject to any directions in that behalf given to them by the Secretary of State, do all such things as may be required for that purpose.
- (2) A reorganisation scheme shall be put into effect on such date as may be appointed by the Commission, and the Commission may appoint different dates in respect of different provisions of the scheme, and any reference in this Act to the date on which a reorganisation scheme is put into effect shall, in relation to any land, be construed as a reference to the date on which the provisions of that scheme which apply to such land are put into effect.
- (3) The Commission shall, on a reorganisation scheme being confirmed by the Secretary of State, remit the scheme to the Land Court to fix the sums which will become payable on the scheme being put into effect—
 - (a) to each person who immediately before the said date was the tenant of a croft in the township, by way of compensation in respect of permanent improvements by reason of the termination of his tenancy by virtue of subsection (6) of this section ;
 - (b) by each person (whether or not he was immediately before the said date the tenant of a croft in the township) who under the scheme becomes the tenant of a croft, in respect of the permanent improvements on that croft; and
 - (c) by way of rent in respect of each of the crofts formed under the scheme.
- (4) In fixing rents under paragraph (c) of the last foregoing subsection the Land Court shall so proceed that the aggregate of the rents so fixed, so far as attributable to subjects which formed part of crofts comprised in the township at the date of the confirmation of the scheme—
 - (a) does not exceed the aggregate of the rents payable in respect of those subjects at that date, and
 - (b) is fairly apportioned amongst the said subjects.

Status: This is the original version (as it was originally enacted).

- (5) The rent fixed by the Land Court in pursuance of paragraph (c) of subsection (3) of this section in respect of any croft shall not be altered, except by agreement between the landlord and the crofter, for a period of seven years from the term at which it first became payable.
- (6) For the purpose of putting into effect the provisions of a reorganisation scheme, the Commission shall serve on the tenant and on the landlord of every croft to which those provisions apply and on any person (other than such a tenant) who under the scheme is to become the tenant of a croft a notice specifying the date on which the scheme is to be put into effect, and where such notices have been served—
- (a) every such tenant shall be deemed to have given notice renouncing the tenancy of his croft immediately before the said date ; and
 - (b) each person (whether or not such a tenant) who under the scheme is to become the tenant of a croft shall on that date become the tenant of that croft.
- (7) Where any buildings situated on land to which a reorganisation scheme applies will on the putting into effect of the scheme cease to be required in connection with the occupation of that land, the Commission shall, on the scheme being confirmed by the Secretary of State, give notice to that effect to the landlord of the land, and thereupon the provisions of subsections (6) and (8) of section sixteen of the Act of 1955 (under which the Secretary of State may be required to purchase buildings on certain crofts) shall apply in relation to the buildings first mentioned as if the said notice had been a notice given under the said subsection (6) to the landlord by the Commission immediately before the date of the putting into effect of the scheme.
- A notice given under this subsection to a landlord by the Commission shall inform the landlord of the effect of this subsection in relation to the buildings in respect of which the notice is given.
- (8) Where a reorganisation scheme provides, in pursuance of paragraph (a) of subsection (3) of the last foregoing section, for the inclusion in the scheme of land in the vicinity of the township, the Secretary of State shall, on confirming the scheme, serve—
- (a) on the occupier of any such land who is not the owner thereof, a copy of the scheme together with a notice terminating his interest in the land on the expiry of three months from the date of the service of the notice; and
 - (b) on the owner of any such land a copy of the scheme together with a notice requiring him to enter into an undertaking that he will, on the date on which the scheme is put into effect, let the land in accordance with the provisions of the scheme.
- (9) Where the interest in any land of the occupier of that land is terminated in pursuance of paragraph (a) of the last foregoing subsection, the Secretary of State shall be deemed to be authorised to purchase the said interest compulsorily and to have served notice to treat in respect thereof on the date on which the interest is terminated as aforesaid.
- (10) Where—
- (a) the owner of any land fails within two months from the date on which a notice is served on him under paragraph (b) of subsection (8) of this section to enter into such an undertaking as is mentioned in that paragraph or, having entered into such an undertaking, fails to let the land in accordance with the provisions of the scheme on the date on which the scheme is put into effect; or

- (b) the owner of any land to which any provision contained in a reorganisation scheme applies gives to the Secretary of State, within two months from the date on which notice of the confirmation of the scheme is served on him under paragraph 7 of the Second Schedule to this Act, notice requiring the Secretary of State to purchase the land;

the Secretary of State shall be deemed to be authorised to purchase the said land compulsorily and to have served notice to treat in respect thereof immediately before the date on which the scheme is put into effect.

Any purchase of land under this subsection shall be deemed to be completed immediately before the date on which the scheme is put into effect, and the Secretary of State shall, as the landlord of such land, (be liable to pay or, as the case may be, entitled to receive any such sum as is mentioned in paragraph (a) or (b) of subsection (3) of this section which becomes payable on the said date and any sum payable on that date under subsection (6) of section fourteen of the Act of 1955 by way of compensation for deterioration of, or damage to, fixed equipment on the land.

- (11) The provisions of this and of the last foregoing section shall, unless the context otherwise requires, apply in relation to a group of neighbouring townships as they apply in relation to a township.
- (12) Sections nineteen and twenty of the Act of 1955 (which relate to reorganisation schemes) shall cease to have effect, except in relation to a reorganisation scheme which has been submitted to the Secretary of State for confirmation before the commencement of this Act, and nothing in this or the last foregoing section shall apply in relation to a reorganisation scheme submitted as aforesaid.