



# Congested Districts (Scotland) Act 1897

1897 CHAPTER 53 60 and 61 Vict

An Act to provide for the administration of sums available for the improvement of congested districts in the Highlands and Islands of Scotland. [6th August 1897]

## Modifications etc. (not altering text)

- C1 Act extended by [S.I. 1972/971, art. 4, Sch. 1](#)
- C2 Congested districts (Scotland) Fund superseded by Agriculture (Scotland) Fund which has now been wound up: [Small Landholders \(Scotland\) Act 1911 \(c. 49\), s. 5](#) and [Agriculture \(Scotland\) Act 1948 \(c. 45\), s. 67](#)
- C3 Functions of Commissioners (Congested Districts (Scotland) Commissioners) under this Act now exercisable by Secretary of State: [Small Landholders \(Scotland\) Act 1911 \(c. 49\), s. 28](#), [Ministry of Transport Act 1919 \(c. 50\), s. 2\(1\)](#), S.R. & O. 1920/2124 (Rev. XV, p. 210: 1920 II, p. 1446), [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\), s. 1](#), [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\), s. 1](#), S.R. & O. 1941/654 (Rev. XV, p. 228: 1941 I, p. 1221), 1946/375 (Rev. XV, p. 229: 1946 I, p. 1009), [S.I. 1953/1204](#) (1953 I, p. 1225), 1955/1955 (1955 I, p. 1205), 1959/1768 (1959 I, p. 1793) and 1970/1681
- C4 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

1, 2 ..... F1

## Textual Amendments

- F1 [Ss. 1, 2, 3\(2\), 8](#) repealed by [Small Landholders \(Scotland\) Act 1911 \(c. 49\), Sch. 2](#)

## 3 Constitution of Congested Districts (Scotland) Fund; sums to be carried thereto.

For the purposes of this Act a fund (to be called the Congested Districts (Scotland) Fund) shall be constituted, to which shall, from time to time, be carried—

- (1) ..... F2
- (2) ..... F3

*Status: Point in time view as at 01/10/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Congested Districts (Scotland) Act 1897. (See end of Document for details)*

- (3) any moneys received for payment of interest or repayment of principal of any loan made by the Commissioners under the provisions of this Act; and
- (4) any other sums applicable to the purposes of this Act.

#### Textual Amendments

- F2** S. 3(1) repealed by Small Landholders (Scotland) Act 1911 (c. 49), **Sch. 2** and Local Government (Scotland) Act 1929 (c. 25), **Sch. 9**
- F3** Ss. 1, 2, 3(2), 8 repealed by Small Landholders (Scotland) Act 1911 (c. 49), **Sch. 2**

#### 4 Application of moneys at disposal of Commissioners.

- (1) In applying the Congested Districts (Scotland) Fund the Commissioners may take such steps as they think proper for—
  - (a) aiding and developing agriculture, dairy farming, and the breeding of live stock and poultry in congested districts; and
  - (b) providing suitable seed potatoes and seed oats and implements and dairy utensils and machinery or appliances for the making of butter or cheese for crofters and cottars in congested districts; and
  - (c) providing, subject to the provisions herein-after contained, land for subdivision among or for enlargement of the holdings of crofters and cottars in congested districts for the purposes of cultivation or grazing, in such manner and upon such conditions and after such adaptations as shall be determined by the Commissioners; and
  - (d) aiding migration of crofters and cottars . . . <sup>F4</sup> and settling any migrants under favourable circumstances in the places to which they first migrate; and
  - (e) aiding and developing fishing (including industries connected with and subservient to fishing) and the erection and formation of fishermen's dwellings and holdings in congested districts; and
  - (f) aiding the providing or improving of . . . <sup>F4</sup> piers or boat-slips, public roads and bridges, and footpaths and foot bridges, and meal-mills, in congested districts; and providing guarantees for . . . <sup>F5</sup> such . . . <sup>F5</sup> postal facilities (including money order . . . <sup>F6</sup> business) as may be [<sup>F7</sup> within the power of a Post Office company (within the meaning of Part 1 of the Postal Services Act 2011) to grant under guarantee]; and
  - (g) aiding and developing spinning, weaving, and other home industries in congested districts; and
  - (h) subject to the consent of the Treasury,—  
aiding the providing or improving of harbours.
- (2) The Commissioners may give their assistance either by way of gift or loan, or by way of sale at cost price, and subject to such conditions as they think fit, which conditions and the provisions for their enforcement or for the case of their violation shall be as effectual as if they were contained in this Act . . . . . <sup>F8</sup>
- (3) Any person nominated by the Commissioners may, at all reasonable times, and after due notice to the occupier, enter any land occupied by an occupier to whom seed or implements, utensils, machinery, or appliances have been sold or gifted, in order to ascertain whether such seed has been properly sown, or that a proper use is being made of such implements, utensils, machinery, or appliances.

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#### Textual Amendments

- F4 Words repealed by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), [Sch. 2](#)
- F5 Words repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. I](#)
- F6 Words repealed by [Post Office Act 1969 \(c. 48\)](#), [Sch. 11 Pt. II](#)
- F7 Words in s. 4(1)(f) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2), [Sch. 12 para. 74](#); [S.I. 2011/2329](#), art. 3
- F8 Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), [Sch.](#)

#### Modifications etc. (not altering text)

- C5 S. 4(1) extended by [Crofters \(Scotland\) Act 1955 \(c. 21\)](#), s. 22(6)

## 5 Acquisition, adaptation, and disposal of land.

- (1) For the purpose of the purchase of land by the Commissioners (who are hereby authorised to purchase and hold land and dispose thereof as in this Act provided) the Lands Clauses Acts shall be incorporated with this Act, except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement; and the provisions of sub-section four of section three of the <sup>MI</sup>Allotments (Scotland) Act, 1892, with respect to the settlement of disputed compensation for land, shall apply, with the necessary modifications, as if the Commissioners were therein referred to.
- (2) Any limited owner may sell land to the Commissioners for the purposes of this Act at such a price, or for such consideration as, having regard to those purposes and to all the circumstances of the case, is deemed reasonable; a limited owner may also, with the sanction of the Local Government Board given under this section, convey the land for that purpose either without payment of any purchase money or compensation, or at a price less than the real value, and may so convey it free of all incumbrances. Provided that the Local Government Board shall not give their sanction under this section unless they are satisfied that the purpose for which the land is conveyed is such as is calculated to benefit the remaining land held by the same title or other land of the same landowner, and provided also that, if the land proposed to be conveyed is subject to incumbrances, the Local Government Board before giving their sanction under this section shall cause notice to be given to the incumbrancers, and shall consider the objections, if any, raised by them.
- (3) The Commissioners may, if they think fit, before disposing of land for the purposes of this Act, adapt the same by dividing and fencing it, making occupation roads, and executing any other works, such as works for the provision of drainage or water supply, which can, in the opinion of the Commissioners, be more economically and efficiently executed for the land as a whole.
- (4) The Commissioners may also, if they think fit, adapt the land for the purposes of this Act by erecting or assisting in erecting thereon such buildings, or making such adaptations of existing buildings as, in their opinion, are required for the due occupation of the land, and cannot be made by the crofters or cottars or fishermen.
- (5) Where any right of grazing or other similar right is attached to land acquired by the Commissioners for the purposes of this Act, the Commissioners may attach any share of the right to any holding in such manner and subject to such regulations as they think proper.

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- (6) The Commissioners may accept any gifts of property, heritable or moveable, for any or all of the purposes for which money is provided by this Act, and apply them according to the directions of the donor, if consistent in their opinion with the purposes on which they apply the said money, and subject to any such directions, may apply them in like manner as that money.

**Modifications etc. (not altering text)**

- C6** Functions of Local Government Board now exercisable by [Secretary of State, Scottish Board of Health Act 1919 \(c.20\)](#),s.4, [Reorganisation of Offices \(Scotland\) Act 1928 \(c.34\)](#).s.1 and [Reorganisation of Offices \(Scotland\) Act 1939 \(c.20\)](#),s.1
- C7** [S. 5\(2\)](#) applied by [Land Settlement \(Scotland\) Act 1919 \(c. 97\)](#), **s. 5(2)**

**Marginal Citations**

- M1** [1892 c. 54](#)

**6 Security for and repayment of loan.**

Any loan under the provisions of this Act shall be secured by a bond which shall be a charge on the holding in favour of the Commissioners, and shall either be repaid by half-yearly instalments of principal with such interest and within such term (not exceeding a period fixed by the Treasury) from the date of the loan, or at such date thereafter not exceeding eighteen months as may be agreed on, or shall be repaid with such interest and within such term by a terminable annuity payable by half-yearly instalments. The amount for the time being unpaid may at any time be discharged, and any such terminable annuity may at any time be redeemed in accordance with tables fixed by the Commissioners. A certificate by the Secretary of the Commissioners that the whole of the loan has been repaid, or that such terminable annuity has been redeemed, shall, without any other instrument, operate as a discharge of the said loan and extinction of the said terminable annuity, as the case may be, and the registration of such certificate in the register of Sasines shall be equivalent to the registration of a discharge of the said bond.

**Modifications etc. (not altering text)**

- C8** [S.6](#) applied by [Small Landholders \(Scotland\) Act 1911 \(c.49\)](#), **s.8(1)**

**7 As to preparation of titles connected with grants of or loans over land.**

- (1) The Commissioners shall cause to be prepared and duly registered all deeds, writs, and instruments necessary for completing the title to the land disposed of by them, and for securing the payment of any loan over land made by them, and shall include in the grant or loan the cost so incurred, or to be incurred, in accordance with scales set forth in tables fixed by the Commissioners.
- (2) The Commissioners, if they think fit, may from time to time appoint, at their pleasure, a person duly qualified to carry out the provisions of this section, and shall assign to him such salary or remuneration as they may determine.

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**Modifications etc. (not altering text)**

**C9** S. 7 excluded (S.) (6.6.1997) by 1997 c. 26, s. 4; S.I. 1997/1430, art. 1.

**8** ..... <sup>F9</sup>

**Textual Amendments**

**F9** Ss. 1, 2, 3(2), 8 repealed by Small Landholders (Scotland) Act 1911 (c. 49), Sch. 2

**9 Report to Parliament.**

The Commissioners shall once in every year make a report to the Secretary for Scotland on their proceedings under this Act, and every such report shall be forthwith presented to Parliament.

**10 Definitions.**

In this Act unless the subject or context otherwise requires—

The expression “congested district” means [<sup>F10</sup>any place within the Highland Region, the islands areas of Orkney, Shetland or the Western Isles or the Argyll district other than the former burgh of Rothesay and the former district of Bute]

The expressions “crofter,” “cottar,” . . . <sup>F11</sup>have the meanings assigned to them in the <sup>M2</sup>Crofters Holdings (Scotland) Act, 1886.

[<sup>F12</sup>The expressions “footpath” and “public road” have the same meanings as in the Roads (Scotland) Act 1984]

**Textual Amendments**

**F10** Words substituted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), s. 154(1), Sch. 19 para. 6

**F11** Words repealed by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), s. 237(1), Sch. 29

**F12** Words added by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), Sch. 9 para. 18

**Marginal Citations**

**M2** 1886 c. 29.

**11 Short title.**

This Act may be cited as the Congested Districts (Scotland) Act, 1897.

**Status:**

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