

SCHEDULE 1  
MINOR AND CONSEQUENTIAL AMENDMENTS

*Crofters (Scotland) Act 1993 (c. 44)*

- 2 (1) The 1993 Act is amended in accordance with this paragraph.
- (2) In section 1(4) (constitution and general functions of the Crofters Commission), for the word “chairman” there is substituted “convener”.
- (3) In section 4 (enlargement where owner and crofter are in agreement), after subsection (2) there is inserted—
- “(2A) The crofter shall pay to the landlord such rent as they shall agree for the croft as enlarged under subsection (1) above (section 6 of, and paragraph 1 of Schedule 2 to, this Act being construed accordingly).”.
- (4) In section 6 (rent)—
- (a) in subsection (3)—
- (i) after the words “landlord for the croft” there is inserted “or for any part of the croft”;
- (ii) in paragraph (a) of the proviso, after the word “croft” there is inserted “or for any part of the croft”; and
- (iii) in paragraph (b) of the proviso, after the word “rent” there is inserted “for it or for any part of it”;
- (b) after subsection (3) there is inserted—
- “(3A) The proviso to subsection (3) above does not have the consequence that a determination which is not to take effect during any period mentioned in that proviso cannot competently be made under that subsection during that period.”; and
- (c) in subsection (4), after the words “a croft” there is inserted “or for any part of a croft”.
- (5) In section 13 (authorisation by Land Court of acquisition of croft land), at the end there is added—
- “(6) The Land Court, in making an order under subsection (1)(a) above, may determine that any of the expenses of the conveyance of the land and other expenses necessarily incurred by the landlord in relation to that conveyance shall be borne by the crofter.
- (7) Failing agreement between the landlord and the crofter as to the amount of such expenses, the auditor of the Land Court may, on the application of either of them—
- (a) determine that amount; and
- (b) determine that the expenses of taxing those expenses are to be borne by them in such proportion as the auditor thinks fit.”.
- (6) In section 24(1) (decrofting in case of resumption of croft), at the end there is added “and to sections 3A and 21A of this Act”.
- (7) In section 25(6) (decrofting: supplementary provision), after the words “pertaining to the croft” there is inserted “or only of land the conveyance in feu of which was granted under section 17 or 18 of the 1955 Act”.

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

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- (8) In section 26 (provisions as to removal of crofter)—
- (a) in subsection (1), for the words “for the removal of the crofter” there is substituted “—
    - (i) terminating the tenancy;
    - (ii) declaring the croft to be vacant; and
    - (iii) for the removal of the tenant from the croft”; and
  - (b) in subsection (3), after the words “his croft” there is inserted “(whether by virtue of this section or by virtue of section 5A or 5B of this Act)”.
- (9) In section 41 (Register of Crofts)—
- (a) in subsection (1), for the words from “a” to “Crofts”)” there is substituted “the register known as the Register of Crofts”; and
  - (b) after subsection (2), there is inserted—
 

“(2A) Subsection (2) above applies in relation to land constituted as a common grazing under section 51A of this Act, the owner of that land and the persons sharing in the common grazing as it applies in relation to a croft and its landlord and tenant; and an entry made by virtue of this subsection must contain the information that the common grazing is so constituted.”.
- (10) In section 42 (financial assistance to crofters)—
- (a) in subsection (1)—
    - (i) for the words “aiding and developing agricultural production on” there is substituted “supporting any reasonable use which promotes the sustainable development of”; and
    - (ii) the words “and with the approval of the Treasury” and “and loans” are repealed;
  - (b) after that subsection there is inserted—
 

“(1A) Such schemes shall specify criteria for determining who shall be eligible for grants payable under those schemes (as for example, the occupier’s income, or the rental or agricultural value or extent of his croft); and different schemes may specify different criteria.”;
  - (c) in subsection (2)—
    - (i) in paragraph (a), the words “and loans” are repealed;
    - (ii) in paragraph (b), for the words “Secretary of State” there is substituted “Scottish Ministers, or the Commission on behalf of the Ministers,” and the words “or loan” are repealed; and
    - (iii) in paragraph (c), the words “or loan” are repealed in both places where they occur;
  - (d) in subsection (4)—
    - (i) at the beginning there is inserted “Without prejudice to subsection (1) above,”; and
    - (ii) the words “with the approval of the Treasury” and “or loans or by the supply for payment in cash of building or other materials” are repealed;
  - (e) subsection (5) is repealed;
  - (f) in subsection (6)—

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- (i) in paragraph (b), for the words “Secretary of State” there is substituted “Scottish Ministers, or the Commission on behalf of the Ministers,”;
    - (ii) in paragraph (c), for the words “Secretary of State” there is substituted “Scottish Ministers, or to the Commission on behalf of the Ministers,”; and
    - (iii) in paragraph (d), the words “to the Secretary of State” are repealed;
  - (g) in subsection (8), for the words from “assistance by” to “supplies” there is substituted “grant under subsection (1) above, nor assistance under subsection (4) above, shall be given towards carrying out any works”;
  - (h) in subsection (9), after the word “receiving” there is inserted “a grant under subsection (1) above nor”;
  - (i) after that subsection, there is inserted—
    - “(9A) Any scheme under subsection (1) above or arrangements under subsection (4) above may provide that a person’s economic status is a criterion for eligibility for grants payable under that scheme or those arrangements.”; and
  - (j) in subsection (10)—
    - (i) the words “or loan” are repealed; and
    - (ii) after the words “or under”, there is inserted “arrangements made under”.
- (11) In section 44 (cottars), for the words from “loan” to “materials” there is substituted “grant”.
- (12) In section 45 (former crofters and cottars who have acquired site of the dwelling-house)—
- (a) subsection (2) is repealed; and
  - (b) in subsection (4), the words “or loan” are repealed.
- (13) In section 46 (financial assistance to owners and owner-occupiers of crofts and other holdings)—
- (a) in subsection (1), for the words from “loan” to “materials” there is substituted “grant”;
  - (b) in subsection (2)(c), for the words “is of substantially the same economic status as a crofter” there is substituted “uses his holding in a way which is substantially the same as that of a crofter”;
  - (c) subsection (3) is repealed;
  - (d) in subsection (4)—
    - (i) in paragraph (a), for the words “are of substantially the same economic status as a crofter” there is substituted “use their crofts in a way which is substantially the same as that of a crofter”; and
    - (ii) in each of paragraphs (b) and (c), for the words “are of substantially the same economic status as a crofter” there is substituted “use their holdings in a way which is substantially the same as that of a crofter”; and
  - (e) in subsection (5), the words “or loan” are repealed.
- (14) In section 47 (appointment etc. of grazings committee or grazings constable)—

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- (a) in subsection (1), for the words “called in accordance with subsection (2) below” there is substituted “of which public notification has been given”;
  - (b) subsection (2) is repealed;
  - (c) after subsection (6) there is inserted—
    - “(6A) A person so appointed (or appointed under subsection (8) below to be the clerk of the committee) is in this Act referred to as the “grazings clerk”.”;
  - (d) in subsection (8)—
    - (i) the words “or the clerk” are repealed;
    - (ii) after the word “them” there is inserted “(or that the grazings clerk is not properly carrying out the duties imposed on him)”; and
  - (e) in subsection (9)—
    - (i) for the words “clerk appointed under subsection (6) or (8) above” there is substituted “grazings clerk”; and
    - (ii) for the word “grazings”, in the final place where it occurs, there is substituted “grazing”.
- (15) In section 48 (powers and duties of grazings committees)—
- (a) in subsection (1)—
    - (i) in paragraph (a), for the word “grazings” there is substituted “grazing” and for the word “therewith” there is substituted “with such maintenance and with the implementation of any proposal approved under section 50B(11) of this Act”;
    - (ii) after paragraph (b) there is inserted—
      - “(bb) to carry out works in implementation of any such proposal as is mentioned in paragraph (a) above;”;
    - (iii) in paragraph (c), for “grazings”, in the second place it occurs, there is substituted “grazing”; and
    - (iv) in the proviso to paragraph (c), for “grazings”, in the second place it occurs, there is substituted “grazing”;
  - (b) in subsection (2)—
    - (i) for the word “grazings”, in the second place it occurs, there is substituted “grazing”; and
    - (ii) after the words “(1)(b)” there is inserted “or (bb)”;
  - (c) after subsection (4) there is inserted—
    - “(4A) Where the grazings committee have obtained the approval referred to in subsection (6) of section 50B of this Act, they may, subject to any conditions imposed under subsection (11) of that section and for the time being in force (and to the approval not having been revoked), use any part of the common grazing in accordance with the proposal.”;
  - (d) in subsection (5), for the word “interested” there is substituted “who holds a right”; and
  - (e) after subsection (6) there is inserted—
    - “(6A) The powers of the grazings committee include the power to raise money (whether by borrowing or otherwise) for the purpose of implementing any proposal approved under section 50B(11) of this

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Act; but on any occasion they shall only exercise that power if a majority of the grazings committee vote to do so.”.

- (16) In section 49 (common grazings regulations)—
- (a) in subsection (2)—
    - (i) in paragraph (a), for the word “grazings”, in the second and third places it occurs, there is substituted “grazing” and for the word “therewith” there is substituted “with such maintenance or with the implementation of any proposal approved under section 50B(11) of this Act”;
    - (ii) in paragraph (b), after the words “(1)(b)” there is inserted “or (bb)”;
    - (iii) in paragraph (c), for the words “and (b) respectively” there is substituted “to (bb)”;
    - (iv) in each of paragraphs (d) and (e), for the word “grazings” there is substituted “grazing”;
  - (b) in subsection (3)—
    - (i) in paragraph (a), for the word “grazings”;
    - (ii) in paragraph (b), for the word “grazings”, in both places it occurs, there is substituted “grazing”;
  - (c) in subsection (7)—
    - (i) for the word “landlord”, in both places it occurs, there is substituted “owner”;
    - (ii) for the word “grazings”, in the first place it occurs, there is substituted “grazing”.
- (17) In section 52(2) (application for consent for exclusion of stock from croft in certain circumstances), for the word “grazings”, in the second, third and fourth places it occurs, there is substituted “grazing”.
- (18) In section 55 (service of notices), after subsection (1) there is inserted—
- “(1A) A notice or other document is sent by post under this section if—
- (a) in the case of an individual, it is sent by registered post or the recorded delivery service, addressed to that person at that person’s usual or last known address or, where the person has given an address for service, at the address so given;
  - (b) in any other case, by sending it by registered post or the recorded delivery service, addressed to that person at the person’s registered or principal office.”.
- (19) In section 61(1) (interpretation) at the appropriate places there are added—
- ““enactment” includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament;”
- ““public notification” has the meaning given by section 55A of this Act;”;
- ““woodlands” includes woodlands created by planned natural regeneration (as defined by section 50A(8) of this Act)”.
- (20) In Schedule 1 (provisions as to the Crofters Commission), in paragraph 8, for the words “acting as chairman of” there is substituted “chairing”.

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- (21) In Part 1 of Schedule 7 (repeals), in the table, in the entry relating to the Crofters (Scotland) Act 1886, after the word “Crofters” there is inserted “Holdings”.
- (22) That Schedule is to be deemed always to have had effect subject to the amendment specified in sub-paragraph (21).