



# Crofters Holdings (Scotland) Act 1886

1886 CHAPTER 29 49 and 50 Vict

## PART II

### RENT

#### 5 Rent altered by agreement.

The rent may be altered by agreement between the landlord and the crofter to such amount and for such period as may be agreed on; and the rent so agreed on shall be the rent payable by the crofter so long as such agreement subsists, and after the expiry thereof so long as no different rent shall have been fixed by the Crofters Commission upon the application of the landlord or the crofter, and so long as no new agreement between the landlord and the crofter shall have been made.

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

C1 S. 5 restricted by Crofters (Scotland) Act 1955 (3 & 4 Eliz. 2 c. 21), s. 38(3), Sch. 6 Pt. I

#### 6 Fixed rent.

- (1) The landlord or the crofter may apply to the Crofters Commission to fix the fair rent to be paid by such crofter to the landlord for the holding, and thereupon the Crofters Commission, after hearing the parties and considering all the circumstances of the case, holding, and district, and particularly after taking into consideration any permanent or unexhausted improvements on the holding and suitable thereto which have been executed or paid for by the crofter or his predecessors in the same family, may determine what is such fair rent, and pronounce an order accordingly.
- (2) The rent fixed by the Crofters Commission (in this Act referred to as the fixed rent) shall be deemed to be the rent payable by the crofter as from the first term of Whitsunday or Martinmas next succeeding the decision of the Crofters Commission, and shall come in place of the present rent, and, save by mutual agreement, the fixed rent shall not be altered for a period of seven years from such term.

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*Changes to legislation:* There are currently no known outstanding effects for the Crofters Holdings (Scotland) Act 1886, Part II. (See end of Document for details)

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- (3) Where the Crofters Commission shall fix a rent which shall be less in amount than the present rent, the crofter shall be entitled, . . . <sup>F1</sup> to deduct from the amount of the fixed rent such sum or sums as he may have paid over and above the amount of the fixed rent in respect of the period between the date of the notice of application to fix the fair rent and [<sup>F2</sup>the first term of Whitsunday or Martinmas next following] the date when such rent was fixed.
- (4) When an application is lodged with the Crofters Commission to fix a fair rent, it shall be in the power of the Crofters Commission, either under the same or under another application of the crofter, to sist all proceedings for the removal of the crofter in respect of non-payment of rent till the said application is finally determined, upon such terms as to payment of rent or otherwise as they shall think fit.
- (5) In the proceedings on such application the Crofters Commission shall take an account of the amount of arrears of rent due or to become due before the application is finally determined, and may take evidence of all the circumstances which have led to such arrears, and shall decide whether, in view of such circumstances, the whole or what part of such arrears ought to be paid, and whether in one payment or by instalments, and at what dates the same should be paid, and the amount and dates so fixed shall be deemed to be the total amount of such arrears due by the crofter, and the terms at which the same become payable.

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**Textual Amendments**

- F1** Words repealed by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), **Sch. 2**
- F2** Words inserted by [Crofters Holdings \(Scotland\) Act 1887 \(c. 24\)](#), **s. 4**
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**Modifications etc. (not altering text)**

- C2** [S. 6](#) restricted by [Crofters \(Scotland\) Act 1955 \(3 & 4 Eliz. 2 c. 21\)](#), s. 38(3), **Sch. 6 Pt. 1**
- C3** [S. 6\(1\)](#) explained by [Small Landholders and Agricultural Holdings \(Scotland\) Act 1931 \(c. 44\)](#), **s. 9**
- C4** [S. 6\(4\)](#) applied with modifications by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), **s. 32(14)**

**Changes to legislation:**

There are currently no known outstanding effects for the Crofters Holdings (Scotland) Act 1886, Part II.