



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Rights of crofters and cottars to acquire their subjects

14 Consideration payable in respect of acquisition of croft land.

- (1) Where the Land Court makes an order in accordance with section 13(1)(a) of this Act and the crofter and the landlord have failed to reach agreement about the consideration payable in respect of the acquisition, the consideration shall, subject to subsection (3) below, be the crofting value of the croft land specified in the order as determined by the Land Court under subsection (2) below.
- (2) The crofting value of the croft land, as determined by the Land Court for the purposes of subsection (1) above, shall be such amount as the Land Court may determine to be the proportion attributable to the croft land of the current rent payable for the croft of which the croft land forms part, such amount being multiplied by the factor of 15:

Provided that the Land Court, on an application made to it by the landlord at any time before it makes a final order under section 13(1) of this Act, may determine a fair rent for the croft which shall be deemed to be the current rent for the purposes of this subsection; and section 6(4) of this Act shall apply for the purposes of this proviso as if for the word “parties” there were substituted the words “landlord and the crofter”.

- (3) If the person who has acquired croft land by virtue of section 13(1) of this Act (“the former crofter”) or a member of the former crofter’s family who has obtained the title to that land either—
 - (i) as the nominee of the former crofter, or
 - (ii) from the former crofter or his nominee,

disposes of that land or any part of it (“the relevant land”) to anyone who is not a member of the former crofter’s family, by any means other than by a lease for crofting or agricultural purposes, forthwith or at any time within [^Ften] years of the date of its acquisition by the former crofter then, subject to subsection (6) below, the person disposing of the relevant land shall pay to the landlord referred to in the said section 13(1) or to his personal representative a sum equal to one half of the difference between—

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 14. (See end of Document for details)

- (a) the market value of the relevant land (on the date of such disposal) which, failing agreement between the parties concerned, shall be as determined by the Land Court under subsection (4) below on the application of such landlord or personal representative; and
 - (b) the consideration which was paid under subsection (1) above in respect of the relevant land.
- (4) The market value of the relevant land as determined by the Land Court shall be the amount which the land, if sold in the open market by a willing seller, might be expected to realise assuming that on the date of the disposal—
- (a) there were no improvements on the land which, if the land were let to a crofter, would be permanent improvements in respect of which the crofter would be entitled to compensation under section 30 of this Act on renunciation of the tenancy of the croft of which the land formed part;
 - (b) no other development had been carried out on the land (not being development carried out on the land, when it was subject to the tenancy of the former crofter or any of his predecessors in the tenancy, by a person other than that crofter or any of such predecessors); and
 - (c) no development of the land which consisted of the making of such an improvement as is referred to in paragraph (a) above were or would be permitted in pursuance of [^{F2}the 1997 Act].
- (5) If the relevant land comprises only part of the land which was acquired under section 13(1) of this Act, the Land Court may, failing agreement between the parties concerned, on an application made to it by the person disposing of the relevant land or the landlord referred to in the said section 13(1) or his personal representative, determine for the purposes of subsection (3)(b) above the proportion of the amount of the consideration which was paid under subsection (1) above in respect of the relevant land.
- (6) No payment shall be made under subsection (3) above in respect of the disposal of the relevant land in a case where payment is made in respect of such disposal in accordance with an agreement entered into between the landlord and the person disposing of that land.

Textual Amendments

- F1** Word in s. 14(3) substituted (1.7.2011) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), [ss. 41, 57\(2\)](#) (with s. 57(4)); [S.S.I. 2010/437](#), [art. 3](#), [sch.](#) (with arts. 4, 5(2))
- F2** Words in s. 14(4) substituted (27.5.1997) by [1997 c. 11](#), [ss. 4, 6\(2\)](#), [Sch. 2 para. 55\(1\)](#).

Changes to legislation:

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 14.