



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Compensation for improvements and for deterioration or damage

30 Compensation to crofter for improvements.

(1) Where—

- (i) a crofter renounces his tenancy or is removed from his croft, or
- (ii) the tenancy of a croft, being a tenancy the interest of the tenant under which is comprised in the estate of a deceased crofter, is terminated in pursuance of section 16(3) of the 1964 Act,

the crofter or, as the case may be, the executor of the deceased crofter shall, subject to the provisions of this Act, be entitled to compensation for any permanent improvement made on the croft if—

- (a) the improvement is suitable to the croft; and
- (b) the improvement was executed or paid for by the crofter or, as the case may be, the deceased crofter, or any of the predecessors of the crofter or of the deceased crofter in the tenancy; and
- (c) either the improvement was executed otherwise than in pursuance of a specific agreement in writing under which the crofter or, as the case may be, the deceased crofter was bound to execute the improvement or, if the improvement was executed in pursuance of such an agreement, the crofter has not received or, as the case may be, the deceased crofter did not receive and his executor has not received, by way of reduction of rent or otherwise, fair consideration for the improvement.

(2) Where—

- (a) a person on becoming the tenant of a croft has with the consent of the landlord paid to the outgoing tenant any compensation due to him in respect of any permanent improvement^{F1} ...; or
- (b) on a person becoming the tenant of a croft the Secretary of State on his behalf has paid to the landlord a sum representing the value to such person of an existing improvement on the croft;

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 30. (See end of Document for details)

such person shall for the purposes of subsection (1) above be deemed to have executed or paid for the improvement.

For the purposes of paragraph (a) above, a landlord who has not paid the compensation due ^{F2}... to the outgoing tenant ^{F2}... to the Secretary of State by virtue of subsection (3) of that section shall be deemed to be a loan by the Secretary of State to him shall be deemed to have given his consent.

- (3) Subsection (1) above shall not apply to any buildings erected by a crofter in contravention of any interdict or other judicial order.
- (4) The amount of the compensation payable under subsection (1) above shall, failing agreement, be fixed by the Land Court.
- (5) Nothing in this Act shall affect the provisions of the ^{M1}Agricultural Holdings (Scotland) Act 1991 [^{F3}or of the Agricultural Holdings (Scotland) Act 2003 (asp 11)] with respect to the payment to outgoing tenants of compensation for improvements:

Provided that—

- (a) where any improvements are valued under [^{F4}either of those Acts] with a view to the payment of compensation to a crofter or to the executor of a deceased crofter, the valuation shall, unless the landlord and the crofter or executor otherwise agree in writing, be made by the Land Court; and
- (b) compensation shall not be payable under [^{F4}either of those Acts] for an improvement for which compensation is payable under this Act.

- (6) Notwithstanding anything in this section—

- (a) a crofter who immediately before 1st October 1955 was a statutory small tenant, or
- (b) the statutory successor of such a crofter, or
- (c) the executor of such a crofter or of such a statutory successor,

shall not be entitled, in respect of any permanent improvement made or begun before 1st October 1955, to any compensation to which he would not have been entitled if his tenancy had expired immediately before 1st October 1955.

- [^{F5}(6A) Subject to subsection (6B) below, in this Act “improvement” does not include anything erected or carried out wholly for—

- (a) putting a croft to such other purposeful use as is mentioned in [^{F6}section 5C(2)(a)(ii) of] this Act; or
- (b) using part of a common grazing for a purpose other than is mentioned in paragraph (a) or (b) of section 50B(1) of this Act.

- (6B) Subsection (6A) above does not apply if—

- (a) in any written consent given under section [^{F7}5C(4)(a)] of this Act as respects the use in question, the landlord agrees that the subsection should not apply; or
- (b) before the Commission approve under section 50B(11) of this Act implementation of the proposal for the use in question, the owner gives written intimation to the proposer that, as respects that use, he so agrees.]

- (7) In this Act “permanent improvement” means any of the improvements specified in Schedule 3 to this Act:

Provided that no building or other structure erected on a croft shall be held to be a permanent improvement on the croft unless it is a fixture on the land.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 30. (See end of Document for details)

Textual Amendments

- F1** Words in s. 30(2)(a) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 2** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F2** Words in s. 30(2) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), s. 43(3), **sch. 2** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F3** Words in s. 30(5) inserted (27.11.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), s. 95(3)(4), **sch. para. 49(b)(i)** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with sch.)
- F4** Words in s. 30(5) substituted (27.11.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), s. 95(3)(4), **sch. para. 49(b)(ii)** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with sch.)
- F5** S. 30(6A)(6B) inserted (28.1.2008) by Crofting Reform etc. Act 2007 (asp 7), **ss. 25**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/568, art. 2
- F6** Words in s. 30(6A)(a) substituted (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(19)(a)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)
- F7** Word in s. 30(6B) substituted (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(19)(b)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

Marginal Citations

- M1** 1991 c. 55.

Changes to legislation:

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 30.