

SCHEDULES

FIRST SCHEDULE

AMENDMENTS OF THE ACT OF 1955

PART I

AMENDMENTS CONSEQUENTIAL ON SECTION SIX OF THIS ACT

- 7 For subsection (2) of section twenty-eight of the Act of 1955 (which relates to the amount of the compensation payable under subsection (1) of that section to a cottar who renounces his tenancy or is removed from the subject occupied by him in respect of permanent improvements on that subject) there shall be substituted the following subsections—

“(2) The amount of the compensation payable under the foregoing subsection shall, failing agreement, be fixed by the Land Court, and—

- (a) where the cottar renounced his tenancy or was removed from his subject before the commencement of the Crofters (Scotland) Act, 1961, the provisions of subsections (3), (4) and (5) of section fourteen of this Act (which relates to compensation to crofters for improvements) shall apply in relation to such cottar as they apply in relation to a crofter whose tenancy was terminated before the said commencement;
 - (b) where the cottar renounces his tenancy or is removed from his subject after the commencement of the said Act of 1961, the provisions of subsection (3) of section fourteen of this Act and of subsections (1) and (2) of section six of the said Act of 1961 (which relate to compensation to crofters for improvements) shall apply in relation to such cottar as they apply in relation to crofters.
- (2A) Where compensation falls to be assessed under subsections (1) and (2) of section six of the said Act of 1961, as applied by paragraph (b) of the last foregoing subsection, in respect of any permanent improvement and the amount of such compensation is fixed by the Land Court under the last foregoing subsection, then if the cottar is qualified as mentioned in the next following subsection he may request the Land Court to determine the amount which would have been payable byway of compensation in respect of that improvement if the said Act of 1961 had not been passed, and if the amount last mentioned is greater than the amount fixed by the Land Court as aforesaid, the difference between the two said amounts shall be payable to the cottar by the Secretary of State:

Provided that—

- (a) the Secretary of State shall be entitled to set off any amount due to him by the cottar in respect of a loan made under subsection (2) of section twenty-two of this Act or section nine of the Act of 1911

Status: This is the original version (as it was originally enacted).

against any sum payable to the cottar by the Secretary of State under this subsection ; and

- (b) this subsection shall not apply where compensation in respect of the improvement in question has on a previous occasion fallen to be assessed under subsections (1) and (2) of section six of the said Act of 1961, as applied as aforesaid.

(2B) The reference in the last foregoing subsection to a cottar who is qualified is a reference to a cottar—

- (a) whose occupation of the subject in question began before the commencement of the said Act of 1961, or
- (b) who occupies such subject as heir-at-law, legatee or assignee of his immediate predecessor as occupier of the subject, and each of whose predecessors (being in each case a person whose occupation of the subject began after the commencement of the said Act of 1961) occupied the subject as heir-at-law, legatee or assignee of his immediate predecessor.”.