



# Crofters Holdings (Scotland) Act 1886

## 1886 CHAPTER 29

### *I—Security of Tenure*

#### **1 A crofter shall not be removed except for breach of statutory conditions**

A crofter shall not be removed from the holding of which he is tenant except in consequence of the breach of one or more of the conditions following (in this Act referred to as statutory conditions), but he shall have no power to assign his tenancy.

- (1) The crofter shall pay his rent at the terms at which it is due and payable:
- (2) The crofter shall not execute any deed purporting to assign his tenancy:
- (3) The crofter shall not, to the prejudice of the interest of the landlord, persistently injure the holding by the dilapidation of buildings or, after notice has been given by the landlord to the crofter not to commit, or to desist from, the particular injury specified in such notice, by the deterioration of the soil:
- (4) The crofter shall not, without the consent of his landlord in writing, subdivide his holding or sublet the same or any part thereof, or erect or suffer to be erected thereon any dwellinghouse otherwise than in substitution for those already upon the holding at the time of the passing of this Act:
- (5) The crofter shall not persistently violate any written condition signed by him for the protection of the interest of the landlord or of neighbouring crofters which is legally applicable to the holding, and which, the Crofters Commission shall find to be reasonable:
- (6) The crofter shall not do any act whereby he becomes notour bankrupt within the meaning of the Bankruptcy (Scotland) Act, 1856, and the Debtors (Scotland) Act, 1880, and shall not execute a trust deed for behoof of creditors :'
- (7) The landlord, or any person or persons authorised by him in that behalf (he or they making reasonable compensation for any damage to be done or occasioned thereby), shall have the right to enter upon the holding for any of the purposes following (that is to say) :  
Mining or taking minerals, or digging or searching for minerals;

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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Quarrying or taking stone, marble, gravel, sand, clay, slate, or other workable mineral;

Cutting or taking timber or peats, excepting timber and other trees planted by the crofter or his predecessors in the holding, being of the same family, or that may be necessary for ornament or shelter, and excepting also such peats as may be required for the use of the holding;

Opening or making roads, fences, drains, and watercourses ;

Passing and re-passing to and from the shore of the sea or any loch with or without horses and carriages for exercising any right of property or other right belonging to the landlord;

Viewing or examining at reasonable times the state of the holding and all buildings or improvements thereon ;

Hunting, shooting, fishing, or taking game or fish, wild birds, or vermin. The word " game " for the purposes of this subsection means deer, hares, rabbits, pheasants, partridges, quails, landrails, grouse, blackgame, capercaillie, ptarmigan, woodcock, snipe, wild duck, .widgeon, and teal;

And the crofter shall not obstruct the landlord, or any person or persons authorised by him in that behalf as aforesaid, in the exercise of any right reserved or conferred by this sub-section.

- (8) The crofter shall not on his holding, without the consent of his landlord, open any house for the sale of intoxicating liquors.

## **2 Provision, for resumption, by landlord**

Notwithstanding the provisions contained in the preceding section, the Crofters Commission may, on the application of the landlord, and upon being satisfied that he desires to resume the holding or part thereof, for some reasonable purpose, having relation to the good of the holding or of the estate, including the using, letting, or feuing the land proposed to be resumed, for the building of dwellings, or for small allotments for fishermen, or for harbours, piers, boat shelters, or other buildings connected with the fishing industry, or for churches or other places of religious worship, or for schools, or for planting, or for roads practicable for carriages from the croft or crofts to the high road or the sea shore, authorise the resumption thereof by the landlord upon such terms and conditions as the Crofters Commission shall think fit, and may require the crofter to surrender his holding, in whole or in such part, to the landlord, upon the landlord making adequate compensation to the crofter, either by letting to him other land of equivalent value in the neighbourhood, or by reduction of rent, or by compensation in money, or otherwise as the Crofters Commission shall determine.

## **3 Removal of crofter for breach of conditions**

When one year's rent of the holding, but less than two years rent, is due and unpaid, the crofter shall be liable to be removed in manner provided by section twenty-seven of the Agricultural Holdings (Scotland) Act, 1883.

When two years rent of the holding is due and unpaid, or when the crofter has broken any other of the statutory conditions, he shall forfeit his tenancy, and shall be liable to be removed in manner provided by the fourth section of the Act of Sederunt anent Removing of the fourteenth day of December one thousand seven hundred and fifty-six.