



Crofters Holdings (Scotland) Act 1886

1886 CHAPTER 29 49 and 50 Vict

PART VI

CROFTERS COMMISSION

17^{F1}

Textual Amendments

F1 Ss. 4, 13(1)(2)(3)(a)–(d)(4)(5), 17, 22, 23, 28 repealed by [Small Landholders \(Scotland\) Act 1911](#) (c. 49), [Sch. 2](#)

18 **Commission to make report of their proceedings.**

The Crofters Commission shall once in every year . . .^{F2} make a report to the Secretary for Scotland as to their proceedings under this Act, and every such report shall be presented to Parliament.

Textual Amendments

F2 Words repealed by [Statute Law Revision Act 1898](#) (c. 22)

19 **Area covered by the Act.**

. . .^{F3} this Act shall apply to every crofter . . .^{F3} and to his heirs and legatees, in the same manner as if the tenancy were a lease.

.....^{F4}

Status: Point in time view as at 01/02/1991.

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

Textual Amendments

- F3** Words repealed by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), **Sch. 2**
F4 Words repealed with saving by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 34(2), **Sch. 3**

Modifications etc. (not altering text)

- C1** [S. 19](#) restricted by [Crofters \(Scotland\) Act 1955 \(3 & 4 Eliz. 2 c. 21\)](#), s. 38(3), **Sch. 6 Pt. I**

20 Procedure in fixing fair rent.

When an application is made to the Crofters Commission to fix a fair rent, intimation thereof shall be given to the other party interested in the holding, landlord or crofter, as the case may be, and the Crofters Commission shall appoint a time and place at which parties shall be heard in reference to the matter of the application.

It shall be competent for the Commissioners in case of such application to visit the holding, if they think fit, as also to call in the aid of an assessor or assessors, specially qualified by local knowledge or otherwise, and to hear the case wholly or partially with the aid of such assessor or assessors, or they may obtain a valuation or report from a competent valuer or valuers appointed by them for the purpose.

Modifications etc. (not altering text)

- C2** [S. 20](#) applied with modifications by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), s. 32(14); restricted by [Crofters \(Scotland\) Act 1955 \(3 & 4 Eliz. 2 c. 21\)](#), s. 38(3), **Sch. 6 Pt. I**

21 Procedure in enlarging holdings.

When an application for an enlargement of crofters' holdings is made to the Crofters Commission they shall intimate such application to the landlord or landlords, as also to the tenant or tenants, and any other person or persons in the occupation of or otherwise interested in the land proposed to be added to the crofters holdings, including heritable creditors holding securities over the same, and shall give notice of the time or times, and place or places, at which parties shall be heard in regard to the matter of the application.

It shall be competent to the Commissioners to visit the place to which the application relates, and also if they shall think fit to call in the assistance of an assessor or assessors, or of a valuer or valuers, as herein-before provided.

In assigning land for the enlargement of crofters holdings, it shall be competent for the Commissioners, if they think fit, to make such order or orders with respect to the erection and maintenance of fencing of the said land as they shall consider necessary or expedient, and to decern that the expense of such erection and maintenance shall be paid by the person or persons interested, as the Crofters Commission shall consider just, having regard to the advantage accruing to the said person or persons respectively from such fencing.

It shall also be competent to the Commissioners to decide summarily any questions relating to the boundaries or marches between crofters' holdings including grazings, or between crofters' holdings including grazings and adjoining lands.

Status: Point in time view as at 01/02/1991.

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

In the event of any dispute arising as to whether a person is a “crofter” within the meaning of this Act, it shall be competent for the Commissioners to determine such question summarily.

22 F5

Textual Amendments

F5 Ss. 4, 13(1)(2)(3)(a)–(d)(4)(5), 17, 22, 23, 28 repealed by [Small Landholders \(Scotland\) Act 1911](#) (c. 49), [Sch. 2](#)

23 F6

Textual Amendments

F6 Ss. 4, 13(1)(2)(3)(a)–(d)(4)(5), 17, 22, 23, 28 repealed by [Small Landholders \(Scotland\) Act 1911](#) (c. 49), [Sch. 2](#)

24 †**Taking evidence and expenses before Crofters Commission.**

In any application under this Act it shall be competent to any of the parties thereto to demand, and for the Crofters Commission to order that the evidence shall be taken upon oath^{F7}

Textual Amendments

F7 Words repealed by [Small Landholders \(Scotland\) Act 1911](#) (c. 49), [Sch. 2](#)

Modifications etc. (not altering text)

C3 A dagger appended to a marginal note means that it is no longer accurate

25 **Finality of Commissioners’ decision.**

The decision of the Crofters Commission in regard to any of the matters committed to their determination by this Act shall be final.

26 **Use of sheriff court houses.**

The Crofters Commission may use, free of charge, for holding its sittings, the court houses commonly used as sheriff courts, when the same are not required by the sheriffs, and the officers of such courts shall be bound to attend the sittings of the Crofters Commission, and perform similar duties to those which they are required to perform on the occasion of sittings of the sheriff court, with right to exact the same fees as are exigible by them for service at the sittings of the sheriff court.

27 F8

Status: Point in time view as at 01/02/1991.

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

Textual Amendments

F8 S. 27 repealed by [Crofting Reform \(Scotland\) Act 1976 \(c. 21, SIF 2:4\)](#), s. 17(2), [Sch. 3](#)

28 **F9**

Textual Amendments

F9 Ss. 4, 13(1)(2)(3)(a)–(d)(4)(5), 17, 22, 23, 28 repealed by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), [Sch. 2](#)

29 Forms of procedure.

The Crofters Commission may, subject to the approval of the Secretary for Scotland, frame and issue such printed forms of application and other forms of procedure as they shall think proper.

It shall be in the power of the Crofters Commission to make rules with reference to proceedings before the Commission, and also, with the approval of the Treasury, to fix a scale of costs and fees to be charged in carrying the Act into execution, and the taxation of such costs and fees, and the persons by whom, and the manner in which, such costs and fees are to be paid.

[^{F10}Provided that no scale of costs and fees fixed by the Commission, and no regulations made by them as to the taxation of such costs and fees, shall apply in respect of any of the matters which the Secretary of State may regulate under or by virtue of section 14A of the Legal Aid (Scotland) Act 1967]

Textual Amendments

F10 Words added by [Divorce Jurisdiction, Court Fees and Legal Aid \(Scotland\) Act 1983 \(c. 12, SIF 47\)](#), s. 6(1), [Sch. 1 para. 6](#)

Modifications etc. (not altering text)

C4 Functions of Secretary of State under S. 29 now exercisable by Lord Advocate: [S.I. 1972/2002](#)

30 Sole arbiter may be chosen.

Where, in any proceeding under this Act, the Crofters Commission is empowered to pronounce an order, the landlord and the crofter may agree to accept the decision of a sole arbiter mutually chosen instead of the decision of the Crofters Commission, and in that case any order pronounced by such sole arbiter shall, when recorded in the “Crofters Holdings Book” along with the agreement to accept his decision, be as effectual to all intents and purposes as an order of the Crofters Commission; and all regulations applicable to the Crofters Commission, and to the orders pronounced by them, shall apply to any sole arbiter and the orders pronounced by him.

Status: Point in time view as at 01/02/1991.

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

31 Saving of 46 & 47 Vict. c. 62.

Nothing in this Act shall affect the provisions of the Agricultural Holdings (Scotland) Act, 1883, provided that:

Where any improvements are valued under the said Act with a view to compensation to be paid to a crofter, such valuation shall be made, unless the landlord and the crofter otherwise agree, by the Crofters Commission, according to the procedure prescribed by this Act.

Modifications etc. (not altering text)

C5 S. 31 restricted by Crofters (Scotland) Act 1955 (3 & 4 Eliz 2. c. 21), s. 38(3), Sch. 6 Pt I

32 Loans for the purchase and equipment of fishing boats.

For the purpose of enabling the ^{F11}Secretary of State], to make advances by way of loan to persons engaged in the prosecution of the fishing industry, whether crofters or others, in crofting parishes . . . ^{F12} abutting upon the sea, it shall be lawful for the Treasury to advance to the ^{F11}Secretary of State] such sums as may from time to time be placed at their disposal by Parliament for the purpose.

The purposes to which the sums advanced as aforesaid shall be applied by way of loan shall be deemed to include the building, purchase, or repair of vessels, boats, and gear for fishing purposes, and any other purpose of the like nature, for the benefit or encouragement of the fishing industry within the localities above specified, which may be sanctioned by the ^{F11}Secretary of State] . . . ^{F13}

The loans in making which the said sums shall be applied, shall be made by the ^{F11}Secretary of State] upon such terms as to repayment, security, rate, and payment of interest, and otherwise, as the ^{F11}Secretary of State], with the consent of the Treasury, shall determine.

All moneys due in respect of loans made under this Act may be recovered by the ^{F11}Secretary of State] summarily, in manner provided by the Summary Jurisdiction Acts . . . ^{F14}.

A certificate, purporting to be signed by the ^{F11}Secretary of State], stating the amount due from any person in respect of any loan made to him under this Act, together with the interest thereon, shall, until the contrary is proved, be evidence of the amount due and of the liability of the person therein named to pay the same.

If at any time while any part of a loan under this Act remains unpaid, the ^{F11}Secretary of State] are satisfied that the borrower is not carrying into effect the undertaking for which the loan was made, they may forthwith sue for and recover summarily the loan and all moneys due by him in respect thereof.

All moneys recovered by the ^{F11}Secretary of State] in repayment of such loans, and interest thereon, shall be paid by the ^{F11}Secretary of State] to the account of Her Majesty's Exchequer, as the Treasury may from time to time direct.

F15

Status: Point in time view as at 01/02/1991.

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

Textual Amendments

- F11 Words substituted by [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\)](#), s. 10, [Sch. 1](#)
- F12 Words repealed by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), [Sch. 2](#)
- F13 Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), [Sch.](#)
- F14 Words repealed by [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\)](#), s. 10, [Schs. 1, 2](#)
- F15 Words repealed by [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\)](#), s. 10, [Sch. 1](#)

33 Saving in case of holdings in possession of servants.

Nothing in this Act shall apply to any holding or building let to a person during his continuance in any office, appointment, or employment of the landlord, or of any tenant of the landlord, nor to any holding or building let at a nominal rent, or without rent, as a pension for former service, or on account of old age or poverty, nor to any holding or building let to a person during his tenure of any office such as that of minister of religion or schoolmaster [^{F16}or] to any innkeeper or tradesman placed in the district by the landlord for the benefit of the neighbourhood.

Textual Amendments

- F16 Word substituted by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), [s. 26\(7\)](#)

Modifications etc. (not altering text)

- C6 [S. 33](#) amended by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), [s. 26\(7\)](#)

34

In this Act ^{F17}

“Cottar” means the occupier of a dwelling-house situate in a crofting parish with or without land who pays no rent to the landlord, as also the tenant from year to year of a dwelling-house situated in a crofting parish who resides therein, and who pays to the landlord thereafter an annual rent not exceeding six pounds in money, whether with or without garden ground, but without arable or pasture land.

“Permanent improvements” means the improvements specified in the Schedule to this Act.

^{F18}

Other expressions have the same meanings as in the ^{M1}Agricultural Holdings (Scotland) Act 1883.

Textual Amendments

- F17 Definitions of “Crofter” and “Crofting parish” repealed by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), [Sch. 2](#)
- F18 Definitions of “Holding” and “Treasury” repealed by [Statute Law Revision Act 1898 \(c. 22\)](#) and [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), [Sch. 2](#)

Modifications etc. (not altering text)

- C7 [S. 34](#) amended by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), [s. 2](#); restricted by [Crofters \(Scotland\) Act 1955 \(3 & 4 Eliz. 2 c. 21\)](#), [s. 38\(3\)](#), [Sch. 6 Pt. I](#)

Status: Point in time view as at 01/02/1991.

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

Marginal Citations

M1 1883 c. 62.

35 Short title.

This Act may be cited as the Crofters Holdings (Scotland) Act, 1886.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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