



Crofters Holdings (Scotland) Act 1886

1886 CHAPTER 29

V—Enlargement of Holdings

13 Available land

- (1) Land shall not be deemed available land for the purposes of this Act unless it lies contiguous or near to land already in the occupancy of the crofters making the application, and belongs to the same landlord or landlords as the land occupied by the said crofters :
- (2) If the land is subject to an existing lease for a term of years, entered into prior to the commencement of this Act (not being a lease for the purposes of a deer forest, or of a grouse moor, or for other sporting purpose), it shall not be competent to assign any part thereof for the enlargement of the holdings of the crofters who have made the application, unless with the assent of the landlord or landlords and of the tenant or tenants of such land, and upon such terms as such landlord or landlords and tenant or tenants shall voluntarily agree to :
- (3) It shall not be competent for the Crofters Commission to assign land for the enlargement of the crofters holdings—
 - (a) If the land forms part of any garden, policy, park, plantation, or other wood ; or
 - (b) If the land forms part of any farm, whether subject to a lease or not, unless the Crofters Commission are satisfied that the part proposed to be assigned for the enlargement of the crofters holdings, can be so assigned without material damage to the letting value of the remainder ;
 - (c) If the land forms part of an existing farm or other holding, unless the rent or annual letting value of such farm or holding shall exceed one hundred pounds ;
 - (d) If the land is arable or improved pasture in the immediate vicinity of a residence or farm steading, or is land which could not be assigned for the enlargement of the crofters holdings without substantially impairing the amenity of such residence or farm steading;
 - (e) If the land form part of a deer forest, and if the assignation of such land for the purposes of this Act would seriously impair the use of the remainder as

Status: This is the original version (as it was originally enacted).

a deer forest, and would act injuriously on the prosperity of the inhabitants generally of the district in which such deer forest is situated.

- (4) The aggregate value of the land assigned for the enlargement of the crofters holdings shall not exceed one third of the rent or annual letting value of the farm or other holding from which it is taken, when the annual value of the holding is between one hundred pounds and one hundred and fifty pounds, or one half when the annual value is above one hundred and fifty pounds and below three hundred pounds, or two thirds when the annual value of the holding is above three hundred pounds.
- (5) It shall not be competent for the Crofters Commission to grant the application of the crofters for the enlargement of their holdings, to the extent or effect of raising the annual value of their holdings respectively to a higher amount than fifteen pounds each,