



Crofters Holdings (Scotland) Act 1886

1886 CHAPTER 29

V—Enlargement of Holdings

16 Bequest of holding

A crofter may, by will or other testamentary writing, bequeath his right to his holding to one person, being a member of the same family; that is to say, his wife or any person who, failing nearer heirs, would succeed to him in case of intestacy (herein-after called the "legatee"), subject to the following provisions :

- (a) The legatee shall intimate the testamentary bequest to the landlord or his known agent within twenty-one days after the death of the crofter, unless he is prevented by some unavoidable cause from making intimation within that time, and in that event he shall make intimation as soon as possible thereafter :
- (b) Intimation to the landlord or his known agent by the legatee shall import acceptance of the crofter's right to the holding by the legatee :
- (c) Within one month after intimation has been made to the landlord or his known agent, he may intimate to the legatee that he objects to receive him as crofter in the holding :

If the landlord or his known agent makes no such intimation within one month, the legatee shall come into the place of the crofter in the holding as from the date of the death of the deceased crofter:

- (d) If the landlord, or his known agent intimates that he objects to receive the legatee as crofter in the holding, the legatee may present a petition to the sheriff, praying for decree declaring that he is the crofter therein as from the date of the death of the deceased crofter, of which petition due notice shall be given to the landlord, who may enter appearance and state his grounds of objection; and if any reasonable ground of _ objection is established to the satisfaction of the sheriff, he shall declare the bequest to be null and void; but otherwise he shall decern and declare in terms of the prayer of the petition :
- (e) The decision of the sheriff under such petition as aforesaid shall be final:
- (f) Where the legatee shall have presented a petition to the sheriff as aforesaid, the legatee pending any proceedings shall have possession of the holding unless the sheriff shall otherwise direct on cause shown:

Status: This is the original version (as it was originally enacted).

- (g) If the legatee shall accept the bequest, and the bequest is not declared to be null and void as aforesaid, the legatee shall be entitled to possess the holding on the same terms and conditions as if he had been, the nearest heir of the crofter:
- (h) If the legatee does not accept the bequest, or if the bequest is declared to be null and void as aforesaid, the right to the holding shall descend to the heir of the crofter, in the same manner as if the bequest had not been made.

Provided always, that in the case of any legatee, or heir-at-law more distant than wife, son, grandson, daughter, grand-daughter, brother, or son-in-law, it shall be competent to the landlord on his own part, or on the part of neighbouring crofters, to represent that, for the purpose of enlarging their holding or holdings, the holding ought to be added to them; and in all cases in which the sheriff shall determine in favour of such representation, the heir, or the legatee, as the case may be, who, but for such determination, would have succeeded to the holding, shall have right to any claim of compensation for improvements thereon which would have been competent to the deceased crofter if he had been removed at the date of his death : provided further, that if in any such case the landlord shall fail, within six months after the determination of the sheriff, to add the holding to one or more of the adjoining holdings, it shall be competent to the neighbouring crofters to apply to the Crofters Commission, who shall make an order assigning the holding to one or more of the neighbouring crofters for the enlargement of his or their holding or holdings.