



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

### *Miscellaneous and General Provisions*

#### **55 Service of notices**

- (1) Any notice for the purposes of this Act shall be in writing, and any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him or left at his proper address or sent to him by post.
- (2) Where any notice or other document is to be given to or served on a person as being the person having any interest in land and it is not practicable after reasonable inquiry to ascertain his name or address, the notice or document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it) and delivering the notice or document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

#### **56 Provisions as to entry and inspection.**

- (1) Any person authorised by the Secretary of State or the Commission in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred on the Secretary of State or the Commission by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.
- (2) Any person authorised as aforesaid who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.
- (3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid unless in the case of land being used for residential purposes 7 days, or in the case of any other land 24 hours, notice of the intended entry has been given to the occupier of the land.

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- (4) Any person who obstructs any person authorised by the Secretary of State or the Commission exercising any such power as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a fine of an amount not exceeding level 1 on the standard scale.

## 57 Provisions as to compulsory purchase of land and as to management of land.

- (1) Where by virtue of any provision of this Act the Secretary of State is deemed to be authorised to purchase land compulsorily, then in relation to any such compulsory purchase the Lands Clauses Acts and other enactments mentioned in Part I of Schedule 2 to the <sup>M1</sup>Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947, shall be incorporated in accordance with the provisions of the said Part I as if the Secretary of State had been authorised under section 1 of that Act to purchase the land compulsorily; and the <sup>M2</sup>Land Compensation (Scotland) Act 1963 shall have effect in relation to any such compulsory purchase subject to the provisions of Part II of that Schedule, of the proviso to section 23(9) of this Act and of subsection (2) below.
- (2) The power conferred by section 39 of the Land Compensation (Scotland) Act 1963 to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of section 23(9) or 39(9) or (10) of this Act.
- (3) The Secretary of State may manage, farm, sell, let or otherwise deal with or dispose of land acquired by him under this Act in such manner as appears to him expedient for the purpose for which it was acquired.

### Marginal Citations

**M1** 1947 c. 42.

**M2** 1963 c.51.

## 58 Provisions as to representations.

- (1) Any enactment in this Act providing, in relation to the taking of any action by the Secretary of State, for his taking the action after affording to a person an opportunity of making representations to the Secretary of State shall be construed as a provision that the Secretary of State shall comply with the following requirements.
- (2) The Secretary of State shall give notice to the said person specifying the matter under consideration and informing him of the effect of subsection (3) below.
- (3) A person to whom notice is given as aforesaid may within the time specified in the notice make representations to the Secretary of State in writing, and, whether or not representations are made to the Secretary of State in writing, may within the time so specified require that an opportunity be afforded to him of being heard by a person appointed by the Secretary of State for the purpose; and, if he so requires, such an opportunity shall be afforded to him and, on the same occasion, to any other person to whom under the enactment referred to in subsection (1) above the Secretary of State is required to afford such an opportunity, and the Secretary of State shall not take action in relation to the matter until he has considered any representations made as aforesaid.
- (4) Where any enactment in this Act provides in relation to the taking of any action by the Commission for their taking the action after affording to a person an opportunity of making representations to them, the provisions of this section shall have effect

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in relation thereto with the substitution for references to the Secretary of State of references to the Commission.

## **59 Financial provisions.**

- (1) The expenses of the Commission shall be defrayed by the Secretary of State.
- (2) All expenses incurred by the Secretary of State under the provisions of this Act shall be defrayed out of moneys provided by Parliament.
- (3) All sums received by the Secretary of State under the provisions of this Act shall be paid into the Consolidated Fund.

## **60 Regulations.**

Any regulations made by the Secretary of State under this Act shall be embodied in a statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **61 Interpretation.**

- (1) In this Act, unless the context otherwise requires—
  - “the <sup>M3</sup>1955 Act” means the Crofters (Scotland) Act 1955;
  - “the <sup>M4</sup>1964 Act” means the Succession (Scotland) Act 1964;
  - “the <sup>M5</sup>1972 Act” means the Town and Country Planning (Scotland) Act 1972;
  - “authority possessing compulsory purchase powers” has the same meaning as in the 1972 Act;
  - “the Commission” means the Crofters Commission;
  - “cottar” has the meaning assigned by section 12(5) of this Act;
  - “croft” and “crofter” have the meanings assigned to them respectively by section 3 of this Act;
  - “crofting counties” means the former counties of Argyll, Caithness, Inverness, Orkney, Ross and Cromarty, Sutherland and Zetland;
  - “croft land” has the meaning assigned to it by section 12(3) of this Act;
  - “development” has the same meaning as in section 19 of the 1972 Act, except that it includes the operations and uses of land referred to in paragraphs (a) and (e) of subsection (2) of that section;
  - “fixed equipment” has the like meaning as in the <sup>M6</sup>Agricultural Holdings (Scotland) Act 1991;
  - “functions” includes powers and duties;
  - “Land Court” means the Scottish Land Court;
  - “landlord” means—
    - (a) in relation to a croft, any person for the time being entitled to receive the rents and profits, or to take possession of, the croft;
    - (b) in relation to the site of the dwelling-house on or pertaining to the subject of a cottar—
      - (i) where the cottar is the tenant of the subject, any person for the time being entitled to receive the rents and profits, or to take possession of the site, and

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(ii) where the cottar is the occupier of the subject who pays no rent, the owner thereof;

“National Trust for Scotland” means the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the<sup>M7</sup>National Trust for Scotland Order Confirmation Act 1935;

“permanent improvement” shall be construed in accordance with section 30(7) of this Act;

“prescribed” means prescribed by regulations made by the Secretary of State;

“predecessors in the tenancy” means in relation to a crofter the persons who before him have been tenants of the croft since it was last vacant;

“statutory successor” means any person who under this Act has succeeded or may succeed to a croft whether as a person to whom the tenancy of the croft has been transferred in pursuance of section 16(2) of the 1964 Act or as the executor, heir-at-law, legatee or assignee of his immediate predecessor being a crofter in occupation of the croft;

“the site of the dwelling-house” has the meaning assigned to it by section 12(4) of this Act;

“Whitsunday” and “Martinmas” mean respectively 28th May and 28th November.

- (2) Any reference in this Act to a member of a person’s or crofter’s or former crofter’s or deceased crofter’s family is a reference to the wife or husband of that person or crofter or former crofter or deceased crofter or his son-in-law or daughter-in-law or anyone who would be, or would in any circumstances have been, entitled to succeed to his estate on intestacy by virtue of the 1964 Act.

#### Marginal Citations

- M3** 1955 c. 21.  
**M4** 1964 c. 41.  
**M5** 1972 c. 52.  
**M6** 1991 c. 55.  
**M7** 1935 c. iii.

## 62 Application of Act to Crown.

This Act shall apply to land an interest in which belongs to Her Majesty in right of the Crown and land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, but in its application to any land an interest in which belongs or is held as aforesaid this Act shall have effect subject to such modifications as may be prescribed.

## 63 Transitional provisions and savings, and repeals.

- (1) The transitional provisions and savings contained in Schedule 6 to this Act shall have effect.
- (2) The enactments—
- (a) specified in Part I of Schedule 7 to this Act so far as they apply in the crofting counties;

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(b) specified in Part II of that Schedule,  
are hereby repealed to the extent specified in column 3 of that Schedule.

**64 Short title, commencement and extent.**

- (1) This Act may be cited as the Crofters (Scotland) Act 1993.
- (2) Subject to section 28(17) of this Act, this Act shall come into operation on the expiration of 2 months commencing with the date on which it is passed.
- (3) This Act extends to Scotland only.

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