



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Reorganisation schemes

38 Reorganisation schemes

- (1) Where in relation to any township the Commission—
 - (a) either of their own accord or on representations made to them by a crofter who is the tenant of a croft situated in the said township or by the landlord of such a croft or by a grazings committee appointed under section 47 of this Act in respect of common grazings shared in by any such crofter, and
 - (b) after such consultation as is reasonably practicable with the tenants and the landlords of crofts situated in the township and with any grazings committee appointed as aforesaid, and
 - (c) after making such inquiries as they think fit,are satisfied that the township ought to be reorganised in order to secure the preservation or the better development thereof, they may prepare a draft of a scheme (in this Act referred to as a “reorganisation scheme”) for the reorganisation of the township.
- (2) A reorganisation scheme shall provide for the re-allocation of the land in the township in such manner as is, in the opinion of the Commission, most conducive to the proper and efficient use of that land and to the general benefit of the township, so, however, that under the scheme every crofter who is the tenant of a croft situated in the township and who so wishes shall be granted the tenancy of a croft and that such croft shall—
 - (a) if the crofter so wishes, include any dwelling-house which formed part of the croft of which he was tenant immediately before the date on which the scheme was put into effect, and
 - (b) if he so wishes, be of a value not less than that of the croft of which he was tenant as aforesaid.
- (3) A reorganisation scheme may, if the Commission think fit, make provision with respect to all or any of the following matters—
 - (a) the inclusion in the scheme of any land in the vicinity of the township, being land to which this Act does not apply, which in the opinion of the Commission

Status: This is the original version (as it was originally enacted).

- ought to be used for the enlargement of crofts in the township or of common grazings used exclusively or shared in by the township;
- (b) the admission into the township of new crofters and the allocation to them of shares in the common grazings;
 - (c) the apportionment for the exclusive use of the township of a part of any common grazings in which it shares;
 - (d) the inclusion in any croft formed under the scheme of a part of the common grazings or of any land held runrig;
 - (e) any other matter incidental to or consequential on the provisions of the scheme.
- (4) For the purposes of a reorganisation scheme the Commission shall prepare such maps and plans as may be necessary to indicate the general effect of the scheme and its effects on each of the crofts in the township.
- (5) The Commission shall serve on each crofter who is the tenant of a croft situated in the township to which a draft reorganisation scheme relates a copy of such scheme together with a notice—
- (a) naming a place within the locality in which the said township is situated where a copy of the maps and plans prepared by the Commission under subsection (4) above may be inspected at all reasonable hours, and
 - (b) requesting that the crofter on whom the said notice is served shall, within 4 months from the date of such service, intimate to the Commission in writing whether he is in favour of the scheme or not.
- Where any crofter on whom such a notice as aforesaid has been served fails to comply with the request contained in such notice, he shall for the purposes of this section be deemed to have intimated to the Commission in compliance with the said request that he is in favour of the scheme.
- (6) If within the said period of 4 months a majority of the crofters on whom a copy of a draft reorganisation scheme and notice have been served in pursuance of subsection (5) above have intimated to the Commission in compliance with the request contained in such notice that they are in favour of the scheme, the Commission shall submit to the Secretary of State the draft reorganisation scheme and the maps and plans prepared by them under subsection (4) above together with such information as they may think necessary, or as the Secretary of State may require, for the purpose of informing him of the general purport and effect of the scheme, and shall submit also a statement of their views on the prospects of the development of agricultural and other industries in the township and in the locality in which the township is situated.
- (7) The Secretary of State may confirm a draft reorganisation scheme submitted to him under subsection (6) above with or without modifications, and the provisions of Schedule 4 to this Act shall apply with respect to the confirmation and the validity of such a scheme.