



Crofters (Scotland) Act 1955

1955 CHAPTER 21

Administration of Crofts

20 Provisions as to putting into effect of reorganisation schemes

- (1) Where a reorganisation scheme confirmed by the Secretary of State provides for the carrying out of any works involving capital expenditure, the Secretary of State shall serve on every owner of land on which such works are to be carried out a copy of the scheme and of the order confirming it together with a notice requiring him within two months to enter into an undertaking that he will at his own expense carry out such works within such period as may be specified in the notice.
- (2) If an owner on whom a notice has been served under the foregoing subsection fails within two months to enter into such an undertaking as aforesaid or, having entered into such an undertaking, fails to carry out within the period specified in the notice such works to the reasonable satisfaction of the Secretary of State, the Secretary of State shall be deemed to be authorised to purchase compulsorily any land belonging to that owner to which the scheme applies.
- (3) Where a reorganisation scheme confirmed by the Secretary of State provides for the inclusion in the scheme of land in the vicinity of the township for the enlargement of crofts in the township, the Secretary of State shall serve a copy of the scheme and of the order confirming it on the owner and the occupier of such land, and shall also serve on the owner of such land a notice requiring him within two months to enter into an undertaking that he will within such period as may be specified in the notice let the land in accordance with the provisions of the scheme.
- (4) Where a copy of the scheme and of the order confirming it and such a notice as aforesaid have been served under the last foregoing subsection, then—
 - (a) where the occupier of such land is not the owner thereof, the interest of the occupier in the land shall terminate on the expiry of three months from the date on which a copy of the scheme and of the order confirming it were served on him, and he shall be entitled to receive from the Secretary of State the like compensation as if his interest in the land had been compulsorily acquired by the Secretary of State ; and

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- (b) if the owner of such land fails within two months to enter into such an undertaking as aforesaid or, having entered into such an undertaking, fails within the period specified in the notice to let the land in accordance with the provisions of the scheme, the Secretary of State shall be deemed to be authorised to purchase the land compulsorily.
- (5) Where a reorganisation scheme has been confirmed by the Secretary of State it shall be the duty of the Commission to put the scheme into effect, and the Commission may, subject to the provisions of this Act and to any directions in that behalf given to them by the Secretary of State, do all such things as may be required for that purpose.
- (6) The Commission may put into effect the provisions of a reorganisation scheme on such date as they may appoint, and different dates may be appointed for different provisions.
- (7) For the purpose of putting into effect the provisions of a reorganisation scheme with respect to the re-allocation of the land in the township, the Commission shall serve on the tenant and on the landlord of every croft to which the scheme applies a notice specifying the effect of the provisions of the scheme and the date on which the provisions of the scheme with respect to re-allocation are to take effect; and where such notices have been served—
- (a) every crofter shall be deemed to have duly given notice terminating the tenancy of his croft as at the date specified in the notice ; and
 - (b) on that date each person to whom a croft is allocated under the scheme shall become the tenant of the croft so allocated to him.
- (8) Where—
- (a) a crofter is by a reorganisation scheme omitted from any share in the re-allocation of land in the township ; and
 - (b) the crofter or any of his predecessors in the tenancy has provided or paid for the whole or the greater part of the dwelling-house occupied by him and is entitled on the termination of his tenancy to compensation therefor as for an improvement; and
 - (c) the dwelling-house occupied by the crofter will not under the provisions of the scheme be required in connection with the future occupation of a croft in the township;
- the crofter shall be entitled, if, not later than one month before the date specified in the notice served on him under the last foregoing subsection as the date on which the provisions of the scheme with respect to re-allocation are to take effect, he gives notice in that behalf to the Commission and to the landlord, to obtain a conveyance in feu (under reservation of minerals) of the dwelling-house with the like pertinents and on the like terms and conditions and in the like manner as if an order terminating his tenancy had been made under subsection (1) of section seventeen of this Act, and subsections (5) to (10) of that section shall, subject to any necessary modifications, apply accordingly.
- (9) Where any buildings situate on land subject to a reorganisation scheme will, on the putting into effect of the scheme, cease to be required in connection with the occupation of that land, the Commission shall give notice to that effect to the landlord, and thereupon, subject to the provisions of the last foregoing subsection, the provisions of subsections (6) and (8) of section sixteen of this Act shall apply in relation to such buildings as they apply in relation to the buildings mentioned in the said subsections.
- (10) The owner of any land which is subject to any provision contained in a reorganisation scheme may within two months after the date on which notice is served under

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subsection (7) of this section with respect to the land give notice to the Secretary of State requiring him to purchase the land, and thereupon the Secretary of State shall be deemed to be authorised to purchase the land compulsorily and to have served notice to treat in respect thereof on the date on which notice was given as aforesaid by the owner.

Any purchase of land under this subsection shall be deemed to be completed immediately before the date on which the scheme is put into effect or, where different days are appointed for the putting into effect of different provisions, immediately before the first of such dates, and the Secretary of State shall accordingly as the landlord of such land be liable to pay and entitled to receive any compensation for permanent improvements which may become payable on the putting into effect of the scheme.