
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 214

The Croft House Grant (Scotland) Regulations 2006

PART 3

GENERAL

Recovery and repayment of grant

10.—(1) Where, after the date upon which any grant, or instalment of grant, has been paid under these Regulations, the Scottish Ministers are satisfied that the applicant has not complied, or is not complying, with a condition attached to the payment of the grant, the Scottish Ministers may give to the applicant notice in writing requiring him or her to make payment of a sum calculated in accordance with the provisions of paragraph (4) and the applicant shall make payment of that sum to the Scottish Ministers within 28 days of receipt of the notice.

(2) In the event of any dwellinghouse, for which a grant under these Regulations has been made, being destroyed or so damaged by fire during the period referred to in regulation 9(6)(a) as to be rendered unfit for human habitation, the Scottish Ministers may give to the applicant notice in writing requiring him to make payment of a sum calculated in accordance with the provisions of paragraph (4) and the applicant shall make payment of that sum to the Scottish Ministers within 28 days of receipt of the notice.

(3) The applicant may repay the grant by making payment to the Scottish Ministers of a sum calculated in accordance with the provisions of paragraph (4) or such lesser amounts as, in the circumstances of any particular case, the Scottish Ministers, in their discretion may determine.

(4) The sum referred to in paragraphs (1) and (2) shall be a sum bearing the same proportion to the grant made in respect of the dwellinghouse in question as the period between the date of the notice given under paragraph (1) or paragraph (2) in relation to that dwellinghouse or, when paragraph (3) applies, the date of repayment, and the expiration of the period specified in regulation 9(6) of these Regulations, bears to the whole of that period, together with interest at the rate of 10 per centum per annum, or any other rate determined by the Scottish Ministers, on that sum from the date on which payment of the grant or the instalment was made until repayment.

(5) Where the tenancy of a croft upon which is situated a dwellinghouse, or where a cottar's tenancy of a dwellinghouse, in respect of which a grant has been made, terminates, the owner shall be deemed to be the applicant during any period during which the croft or, as the case may be, the dwellinghouse, remains unlet and unoccupied.

(6) There shall be deemed to have been a failure to comply with the conditions set out in a notice recorded as specified in regulation 8(1) if the applicant sells, lets or otherwise disposes of the dwellinghouse—

- (a) where the applicant is a crofter, otherwise than—
 - (i) to a member of his family or;
 - (ii) to another crofter who in the opinion of the Scottish Ministers will occupy the dwellinghouse for the purpose of cultivating a croft;

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(b) in any other case, to a person other than a crofter, who in the opinion of the Scottish Ministers, requires, and will occupy, the dwellinghouse for the purpose of cultivating a croft.

(7) There shall be deemed to have been a failure to comply with the conditions specified in these Regulations if the applicant is an owner occupier who, without the prior consent of the Scottish Ministers, assigns or disposes of the croft land on which that dwellinghouse is built to a person who is not a member of his family.

Commencement Information

I1 Reg. 10 in force at 15.5.2006, see [reg. 1\(1\)](#)

Termination of Conditions

11. Where the applicant repays the grant in accordance with regulation 10 these Regulations and the conditions imposed on the applicant shall cease to have effect, Scottish Ministers shall cause to be recorded in the Register of Sasines or registered in the Land Register of Scotland a notice in the form set out in Schedule 3 to these Regulations, or a form to like effect.

Commencement Information

I2 Reg. 11 in force at 15.5.2006, see [reg. 1\(1\)](#)

Crofters Commission to be agents

12.—(1) The Crofters Commission may act as agents of the Scottish Ministers for the purpose of the administration of any grant made under these Regulations.

(2) In carrying out its function as agent of the Scottish Ministers under these Regulations, the Crofters Commission shall have the powers, rights and duties as are conferred upon it by the Scottish Ministers.

Commencement Information

I3 Reg. 12 in force at 15.5.2006, see [reg. 1\(1\)](#)

Revocation

13. The Crofters etc. Building Grants (Scotland) Regulations 1990(1) are hereby revoked, but without prejudice to anything duly done or any right, obligation or liability acquired, accrued or incurred thereunder.

Commencement Information

I4 Reg. 13 in force at 15.5.2006, see [reg. 1\(1\)](#)

Transitional Provisions

14.—(1) Notwithstanding the revocation of the Crofters etc. Building Grants (Scotland) Regulations 1990 any application for improvement operations received before 31st December 2004 for payment of grant shall be administered and paid under those Regulations.

(2) In the case of a grant made for the erection or rebuilding of a dwellinghouse under the Crofters etc. Building Grants (Scotland) Regulations 1990, any conditions in force in terms of those Regulations at the date of the coming into operation of these Regulations shall continue to apply notwithstanding the revocation of those Regulations by regulation 13 but shall cease to have effect on the expiry of a period of 15 years, beginning with the day on which, in accordance with the provisions of the regulations under which the grant was paid, the work of erection or rebuilding was, in the opinion of the Scottish Ministers, completed.

Commencement Information

I5 Reg. 14 in force at 15.5.2006, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2016/63 reg. 8\(1\)](#)