

2006 No. 214

CROFTERS, COTTARS AND SMALL LANDHOLDERS

The Croft House Grant (Scotland) Regulations 2006

Made - - - - *20th April 2006*

Laid before the Scottish Parliament *21st April 2006*

Coming into force - - *15th May 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 42, 44 and 45 of the Crofters (Scotland) Act 1993(a) and of all other powers enabling them in that behalf, and, after consultation with the Crofters Commission, in accordance with section 42(1) of that Act, hereby make the following Regulations:

PART 1

INTRODUCTORY

Citation and Commencement

1.—(1) These Regulations may be cited as the Croft House Grant (Scotland) Regulations 2006 and shall come into force on 15th May 2006.

Interpretation

2. In these Regulations—

“the Act of 1993” means the Crofters (Scotland) Act 1993;

“applicant” means a crofter, cottar or eligible occupier who has applied for, or has been awarded, a grant, under these Regulations;

“cottar” has the same meaning as in section 12(5) of the Act of 1993;

“crofter” means the tenant of a croft;

“croft” has the same meaning as in section 3(1) of the Act of 1993;

“eligible occupier” means the owner occupier of a croft which was acquired from the landlord not more than 7 years before a grant application was received by the Scottish Ministers;

“grant” means such assistance by way of grant as is mentioned in regulation 3;

“high level priority area” means an area which has been identified from time to time as such by the Geographical Targeting Panel established by the Scottish Ministers for this purpose and which attracts the high level of grant as defined in regulation 4 of these Regulations;

(a) 1993 c.44. The functions of the Secretary of State transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain Treasury consent was removed by section 55 of that Act.

“low level priority area” means an area which has been identified from time to time as such by the said Geographical Targeting Panel and which attracts the low level of grant as defined in regulation 4 of these Regulations;

“operation” means the erection of a dwellinghouse or any of the eligible rebuilding and improvement operations specified in Schedule 1 to these Regulations, the cost of which must not be not less than £10,000;

“standard priority area” means an area which has been identified from time to time as such by the said Geographical Targeting Panel and which attracts the standard level of grant as defined in regulation 4 of these Regulations.

PART 2

GRANTS IN RESPECT OF OPERATIONS

Payment of grant

3.—(1) The Scottish Ministers may make a grant of such amount as they may determine, but subject to the relevant limit specified in regulations 4 and 5, of these Regulations to an applicant for an operation.

(2) The operation must be carried out, in the case of a crofter, on the croft, in the case of a cottar, on the holding occupied by the cottar, and, in the case of an eligible occupier, on the croft or holding or part of a croft, as the case may be, occupied by that eligible occupier.

Amount of grant

4.—(1) The amount of grant, payable by the Scottish Ministers under regulation 3 for the erection of a dwellinghouse—

- (a) in a low level priority area level shall not exceed £11,500;
- (b) in a standard level priority area shall not exceed £17,000;
- (c) in a high level priority area shall not exceed £22,000.

5. The amount of grant payable at the discretion of and by the Scottish Ministers under regulation 3 towards the approved cost of an operation, other than the erection of a dwellinghouse—

- (a) in a low level priority area, shall not exceed the lesser of 20% of the cost of the operation and £11,500;
- (b) in a standard level priority area, shall not exceed the lesser of 30% of the cost of the operation and £17,000;
- (c) in a high level priority area, shall not exceed the lesser of 40% of the cost of the operation and £22,000.

Application for grant

6.—(1) Any application for grant under these Regulations shall be in such form and shall provide such information as the Scottish Ministers specify, and shall be approved by the Scottish Ministers prior to the commencement of any work on the operation.

(2) The Scottish Ministers may, as they think fit, either refuse to approve an application or approve it in whole or in part, and any such approval may be given, subject to such conditions as the Scottish Ministers think fit.

(3) Any approval of cost for the purposes of a grant under this Part may be varied or withdrawn by the Scottish Ministers.

(4) In approving an application, the Scottish Ministers may specify the date by which work may start on the operation, the date by which the first payment of grant shall be claimed and the date by which the final payment of grant shall be claimed by the applicant.

(5) Where the applicant is a crofter or cottar, the Scottish Ministers shall notify the applicant's landlord of the application and if the landlord, within 14 days of being so notified, objects in writing to the making of the grant, the Scottish Ministers shall, before making any decision on the application, afford to the applicant and the landlord an opportunity of making representations thereon in writing to them, or to a person appointed by them to hear the representations and report thereon to them.

(6) After considering any such application and any representations or report thereon, as specified in paragraph (5), the Scottish Ministers shall give to the applicant notice in writing of their decision and if the applicant is a crofter or a cottar, shall also give notice of their decision to the applicant's landlord.

(7) Where the Scottish Ministers approve the application they shall, at the same time as they give to the applicant notice of their approval, inform the applicant that the proposed work may be carried out subject to such modifications or conditions as the Scottish Ministers may specify.

Claims for payment of grant

7. The applicant shall make a claim for payment of the grant in such form as the Scottish Ministers may specify and shall afford to the Scottish Ministers or their duly authorised officers such facilities as are reasonably required to enable the Scottish Ministers to satisfy themselves that any conditions subject to which approval was given have been complied with.

Conditions of grant

8.—(1) Upon the payment of a grant the Scottish Ministers shall forthwith 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 2, or a form to the like effect, specifying the conditions which, by virtue of regulation 9, apply.

(2) Subject to paragraph (3), upon completion of the work to the satisfaction of the Scottish Ministers, they shall make payment of the grant to the applicant or a nominee of the applicant.

(3) The Scottish Ministers may make payment of the grant in instalments at such times, either during the progress of the work or after its completion, and subject to such conditions as the Scottish Ministers may specify.

(4) Where an instalment of a grant has been paid in accordance with paragraph (3) and the work in respect of which the grant was to be made is not thereafter completed to the satisfaction of the Scottish Ministers or any condition of payment of the instalment of the grant is not complied with, the amount of the instalments paid may be recovered from the applicant in accordance with regulation 10 as if there had been a failure to comply with a condition such as mentioned in that regulation.

(5) Where the grant is for part of an operation and the maximum amount of grant has been paid, no further grant will be payable for the same operation.

9.—(1) Where a grant is paid under these Regulations in respect of any operation on a dwellinghouse, that dwellinghouse shall, unless the Scottish Ministers otherwise agree, be—

- (a) occupied by the applicant or his family;
- (b) maintained by the applicant, his family or his successors to the satisfaction of the Scottish Ministers; and
- (c) kept insured against destruction or damage by fire for such sum and with such insurance company as the Scottish Ministers may from time to time approve, and the receipts for the premiums in respect of the renewal of insurance shall be exhibited to the Scottish Ministers on demand.

(2) The applicant who proposes to give up the tenancy of a croft shall inform the Scottish Ministers of that intention in writing and provide the name and address of any proposed new tenant.

(3) The applicant shall not let, sell or otherwise dispose of the croft, or the croft house site without the consent of the Scottish Ministers.

(4) The applicant shall permit any person duly authorised by the Scottish Ministers to enter and inspect any such dwellinghouse as referred to in paragraph (1) at all reasonable times for the purpose of ascertaining whether any provision of these Regulations, including conditions attached to the payment of grant applicable to the dwellinghouse, is being complied with and any person so authorised shall, if requested, produce a document showing his authority to do so.

(5) The Scottish Ministers may require the applicant to provide at such times as they may determine a certificate stating that the conditions of these Regulations are being complied with and to provide such other relevant information as they may require.

(6) These Regulations and the conditions attached to the payment of grant shall be observed in respect of the dwellinghouse—

- (a) where a grant has been made for erection of a dwellinghouse, for a period of fifteen years;
- (b) where a grant has been made for any of the operations specified in Schedule 1, other than the erection of a dwellinghouse, for a period of ten years.

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;
- (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.

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.

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.

Revocation

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

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.

(a) S.I. 1990/944.

(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.

RHONA BRANKIN

Authorised to sign on behalf of the Scottish Ministers

St Andrew's House,
Edinburgh
20th April 2006

ELIGIBLE REBUILDING AND IMPROVEMENT OPERATIONS

The approved cost of any operation specified in the following list, subject to the discretion of the Scottish Ministers, may be included as eligible expenditure under these Regulations.

1. Full or partial rebuilding of the existing croft house.
2. Provision of kitchen storage.
3. Provision of sink with hot and cold water supplies and drainage.
4. Provision of solid, oil or gas fired cooker.
5. Provision of fixed bath or shower, wash hand basin and water closet and drainage.
6. Renewing of defective floors.
7. Provision of electrical wiring or rewiring to lights and socket outlets.
8. Provision of central heating, including the provision of heating from renewable sources.
9. Additional bedrooms where necessary.
10. Extensions and alterations to provide satisfactory kitchen and living area.
11. Extensions and alterations to provide bath/shower rooms.
12. Construction of a storm porch of up to four square metres.
13. Provision of a fuel store of appropriate size.
14. Re-roofing which may include a new roof structure.
15. Renewing rhones and downpipes.
16. Replacing doors and windows.
17. Re-pointing or renewing the roughcast to the walls.
18. Roughcasting the walls for the first time.
19. Providing a damp-proof course to the walls.
20. Providing wall insulation.
21. Providing roof insulation.
22. Treating woodworm, dry rot or wet rot.
23. Re-pointing, roughcasting or rebuilding chimney heads, including lead flashings.
24. Providing foul and rainwater drainage systems.
25. Lowering surrounding grounds levels, treating the solum, rising damp and providing under floor ventilation.
26. Connection to the mains electricity supply.
27. Wiring for the first time to lights and power points in the dwellinghouse.

28. The supply and installation of a new private generator, including energy generated from renewable sources.
29. Connection to the mains gas supply.
30. Installation of bulk liquefied petroleum gas tanks (sited above ground only) and associated pipe work and fittings.
31. All necessary builder, joiner, plaster and other works in connection with the above items.
32. Improvement of provision of roads, hard standing, bridges and boat slips.
33. Improvement of provision of water supplies.

CROFTERS (SCOTLAND) ACT 1993

Notice of Payment of Grant

Whereas the Scottish Ministers, in accordance with the provisions of the Crofters (Scotland) Act 1993 and the Croft House Grant (Scotland) Regulations 2006 (hereinafter referred to as “the Regulations”) have made a grant of _____ in respect of _____ a dwellinghouse situated on the subjects described in the Schedule hereto, to _____ (who, together with any transferee on intestacy or his or her legatee who succeeds him or her in occupation of the said subjects and any other person who becomes occupier thereof is hereinafter referred to as “the recipient of the grant”).

Now therefore notice is hereby given in accordance with regulation 8(1) of the Regulations, that for the period of _____ years commencing on the _____ day of _____, the following conditions shall, by virtue of regulation 9 of the Regulations, be observed with respect to the dwellinghouse:–

- (1) the dwellinghouse, shall–
 - (a) where the recipient of the grant is a person deemed by virtue of section 3(3) of the said Act of 1993 to be a crofter or is a person who has, after the application for grant but before the making of the grant, becomes the owner of the holding on which the dwellinghouse is situated, be occupied as part of that holding by that person or his family;
 - (b) in any other case, be occupied by the recipient of the grant or his family;
- (2) the recipient of the grant shall maintain the structure of the dwellinghouse to the satisfaction of the Scottish Ministers;
- (3) the recipient of the grant shall keep the dwellinghouse insured against destruction or damage by fire for such sum and with such insurance company as the Scottish Ministers may from time to time approve, and the receipts for the premiums in respect of the renewals of such insurance shall be exhibited to the Scottish Ministers on demand;
- (4) the recipient of the grant shall permit any person duly authorised by the Scottish Ministers in that behalf at all reasonable times to enter and inspect the dwellinghouse for the purpose of ascertaining whether the provisions of the Regulations are being complied with in respect of the dwellinghouse.

Notice is further hereby given that in the event of the breach of any of the foresaid conditions or upon the occurrence of any of the other events specified in regulation 10 of the Regulations, then by virtue of the said regulation 10 there shall, on demand by the Scottish Ministers by notice in writing to that effect, become payable to them by the recipient of the grant for the time being a sum being the appropriate proportion specified in regulation 10(4) of the Regulations of the said grant, together with interest at the rate of 10 per centum per annum, on the said sum from the date on which payment of the said grant was made until the date of payment of the said sum.

Subscribed by _____ being an officer of the Scottish Ministers at Edinburgh on the _____ day of _____ Two Thousand _____ before this witness:

Scottish Executive Environment and Rural Affairs Department

SCHEDULE

*Description of subjects, stating
parish and county*

*Name and designation of
present landlord/owner*

SCHEDULE 3

Regulation 11

FORM OF NOTICE UNDER REGULATION 11 OF THE CROFT
HOUSE GRANT (SCOTLAND) REGULATIONS 2006

SCHEME 2006 OF CESSER OF CONDITIONS OF GRANT

CROFTERS (SCOTLAND) ACT 1993

Notice of Cesser of Conditions of Grant

WHEREAS the Scottish Ministers made a grant of £ Sterling under the provisions of
The Croft House Grant (Scotland) Regulations 2006 towards the of the dwellinghouse
described in the Schedule hereto;

AND WHEREAS notice of payment of the said grant dated was recorded in the
Division of the General Register of Sasines for the County of or registered in the Land
Register of Scotland under title number on the day of ;

AND WHEREAS repayment of the required amount of the said grant has now been made to the
Scottish Ministers;

NOW THEREFORE, in accordance with the provisions of regulation 10 of the said Regulations,
the Scottish Ministers hereby give notice that the conditions of grant specified in the Notice of
Payment of Grant recorded in the said Division of the General Register of Sasines or registered in
the Land Register of Scotland under title number ceased to apply as from the day
of Two Thousand and .

Subscribed by being an officer of the Scottish Ministers at Edinburgh on the
day of Two Thousand and before this witness:

Scottish Executive Environment and Rural Affairs Department

SCHEDULE

*Description of subjects, stating
parish and county*

*Name and designation of
present landlord/owner*

EXPLANATORY NOTE

(This note is not part of the Scheme)

These Regulations revoke and replace the Crofters etc Building Grants (Scotland) Regulations 1990. The Regulations relate to provision by the Scottish Ministers of assistance by way of grant towards the erection, improvement or rebuilding of dwellinghouses for crofters and certain other occupiers of land in the crofting counties.

The Regulations prescribe the conditions to be observed with respect to dwellinghouses so long as any grant is outstanding and provides for recovery of the grant in the event of a breach of conditions. The maximum period for which the conditions apply in the case of erection of a house has been reduced from 20 years to 15 years. The period for which the conditions apply in the case of rebuilding or improvements to an existing croft will now be 10 years. The Regulations also prescribe the form of notices to be recorded or registered in the Register of Sasines or Land Register of Scotland.

£3.00

© Crown Copyright 2006