

## SCHEDULES

### SCHEDULE 1

Section 11.

#### AMENDMENT OF ENACTMENTS CONSEQUENTIAL ON SECTION 11

##### *The Town and Country Planning (Scotland) Act 1972*

- 1 At the end of section 182 (power to serve blight notice), there shall be added the following subsection—
- “(5) Where the claimant is a crofter or cottar, this section shall have effect as if—
- (a) in subsection (1)(c) for the word " sell " there were substituted the word " assign " ;
  - (b) in subsection (1)(d) for the words from " sell it" to " to sell" there were substituted the words " assign it except at a price substantially lower than that for which he might reasonably have expected to assign it ";
  - (c) in subsections (1) and (4) for the word " purchase " there were substituted the words " take possession of " .”.
- 2 In section 184 (reference of objections to Lands Tribunal), in subsection (6) after the word " treat" there shall be inserted the words " or, in a case where the claimant is a crofter or cottar, notice of entry " .
- 3 At the end of section 185 (effect of valid blight notice), there shall be added the following subsection—
- “(5) Where the claimant is a crofter or cottar, this section shall have effect as if in subsections (1) and (3) for the words from " acquire " to " respect thereof" there were substituted the words " require the crofter or cottar to give up possession of the land occupied by him and to have served a notice of entry in respect thereof under paragraph 3 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.”.
- 4 At the end of section 188 (effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire), there shall be added the following subsection—
- “(5) Where the claimant is a crofter or cottar, this section shall have effect as if in subsections (2) and (4) for the words from " or by" to " claimant in" there were substituted the words " to require the crofter or cottar to give up possession of " .”.
- 5 In section 192(4) (meaning of " owner's interest"), after the words " interest of " there shall be inserted the word " (a) " and after the word " years " there shall be inserted the words " and (b) a crofter or cottar therein " .
- 6 In section 196(1) (general interpretation), after the definition of " the claimant" there shall be inserted the following definitions—

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““ cottar " has the same meaning as in section 28(4) of the Crofters (Scotland) Act 1955 ;

" crofter " has the same meaning as in section 3(2) of the Crofters (Scotland) Act 1955”.

*The Land Compensation (Scotland) Act 1973*

7 At the end of section 68 (land affected by orders relating to new towns), there shall be added the following subsection—

“(6) This section shall have effect where the service of the blight notice by virtue of subsection (1) above is by a crofter or cottar as if—

- (a) in subsection (4) for the words " acquire compulsorily any interest in land " and " acquires an interest" there were substituted respectively the words " take possession of any land occupied by the crofter or cottar " and " takes possession " and in paragraphs (a) and (b) for the word " interest" there were substituted the word " possession " ;
- (b) in subsection (5) for the words from " acquisition of" to " acquisition were " there were substituted the words " taking of possession of land by the Secretary of State under subsection (4) above as if the taking of possession were ””.

8 At the end of section 74 (blight notice requiring purchase of whole agricultural unit), there shall be added the following subsection—

“(3) This section shall have effect where the blight notice is served by a crofter or cottar as if for subsection (1)(b) there were substituted the following paragraph—

- “(b) a requirement that the appropriate authority shall take possession of the whole of the unit or, as the case may be, the whole of the part of it to which the notice relates.””.

9 At the end of section 76 (effect of blight notice requiring purchase of whole agricultural unit), there shall be added the following subsection—

“(9) Where the claimant is a crofter or cottar this section shall have effect as if—

- (a) in subsections (2) and (4) for the words from " acquire compulsorily " to " interest" and for the words " to treat in respect thereof " there were substituted respectively the words " take possession compulsorily of the land " and the words " of entry in respect of that land under paragraph 3 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 " ;
- (b) in subsection (4)(a) for the word " acquire " there were substituted the words " take possession of "”.

## SCHEDULE 2

Section 22(1).

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Small Landholders (Scotland) Act 1911*

- 1 In section 32(14) (provisions as to statutory small tenants), for the words " twenty, and section twenty-seven " there shall be substituted the words " and section twenty ".

#### *The Land Settlement (Scotland) Act 1919*

- 2 At the end of section 6 (duty of Secretary of State with respect to sale or lease of land), there shall be added the following subsection—

“(6) Subsections (3) and (4) above shall not apply to crofts as defined in section 3 of the Crofters (Scotland) Act 1955.”.

#### *The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947*

- 3 In Schedule 1 (procedure for authorising compulsory purchases), in paragraph 4(1) after the word "aforesaid" there shall be inserted the words " or if no objection is duly made by the National Trust for Scotland in a case where the land comprised in the order was held inalienably by the Trust on the date of the passing of the Crofting Reform (Scotland) Act 1976 and was acquired from the Trust by a crofter as defined in section 3 of the Crofters (Scotland) Act 1955 in pursuance of an order under section 2(1) or 4(1) of the said Act of 1976 ".

#### *The Crofters (Scotland) Act 1955*

- 4 At the end of section 1(1) (constitution and general functions of the Commission), there shall be added the words " and the Crofting Reform (Scotland) Act 1976. ".

- 5 In section 2 (particular powers and duties of the Commission)—

- (a) in subsection (1)(d), after the word "Act" there shall be inserted the words " and the Crofting Reform (Scotland) Act 1976 ";
- (b) in subsection (3), for the words " sheriff-clerk " there shall be substituted the words " principal clerk of the Land Court " , and the words from " and the provisions " to the end shall cease to have effect;
- (c) in subsection (4), after the word " Act" there shall be inserted the words " and the Crofting Reform (Scotland) Act 1976. "

- 6 In section 8 (assignment of croft)—

- (a) for subsections (1) and (2) there shall be substituted the following subsections—

“(1) A crofter shall not assign his croft—

- (a) to a member of his family unless he obtains the consent in writing of his landlord or, failing such consent, the consent in writing of the Commission on an application made to them ;
- (b) to a person other than a member of his family unless he obtains the consent in writing of the Commission on an

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- application made to them. (2) A landlord who has given his consent in pursuance of subsection (1)(a) above shall notify the Commission of the assignation and the name of the assignee.”;
- (b) in subsection (5), after the word " Commission" where it first occurs there shall be inserted the words " in a case where he is required to obtain such consent in pursuance of subsection (1) above ";
- (c) at the end there shall be added the following subsections—
- “(7) Any reference in this section to a croft shall include a reference to a part of a croft, being a part consisting of any right in pasture or grazing land deemed by virtue of section 3(5) of this Act to form part of a croft.
- (8) In this section " member of his family ", in relation to a crofter, has the same meaning as "member of the crofter's family " has in section 10(7) of this Act.”
- 7 In section 15(1) (Commission to obtain information and to compile register of crofts)—
- (a) for the word " acreage " there shall be substituted the word " extent " ;
- (b) at the end there shall be added the words " and the Crofting Reform (Scotland) Act 1976. "
- 8 In section 16 (vacant crofts)—
- (a) in the proviso to subsection (4), for the words from " an application " to the end there shall be substituted the words " the Secretary of State is considering an application made to him under subsection (3) above for consent to let, or the Commission are considering an application made to them under subsection (9) below for a direction that the croft shall cease to be a croft ";
- (b) in subsection (8), after the words " section or" there shall be inserted the words " by the landlord to the Secretary of State ";
- (c) in subsections (11 A) and (13), after the word "section" there shall be inserted the words " and section 16A of this Act ";
- (d) at the end of the section there shall be added the following subsection—
- “(14) For the avoidance of doubt it is hereby declared that this section has effect (and shall be deemed always to have had effect since 27th August 1961) as if—
- (a) a person who has become the owner-occupier of a croft were required under subsection (1) above within one month of the date on which he became such owner-occupier to give notice thereof to the Commission ; and
- (b) any reference in the section other than in subsection (1) above to a landlord included a reference to an owner-occupier.”
- 9 In section 17(1)(a) (absentee crofters), for the words " ten miles " there shall be substituted the words " sixteen kilometres ".
- 10 In section 22(5) (power of Secretary of State to give financial assistance to crofters), after the word "building" there shall be inserted the words " or towards the provision or improvement of roads, or water or electricity or gas supplies " and for the words

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- " such erection, improvement or rebuilding " there shall be substituted the words " the works in question ".
- 11 In section 27(1) (common grazings), for the words "forty shillings " and " five shillings " there shall be substituted respectively the words " £10 " and " 50 pence ".
- 12 In section 30(4) (provisions as to entry and inspection), for the words " five pounds " there shall be substituted the word " £10 ".
- 13 In section 31(2) (building grants and loans to owner-occupiers of like economic status as crofters), for paragraph (b) there shall be substituted the following paragraph—
- “(b) is either—
- (i) a holding of which the area does not exceed 30 hectares, or
- (ii) a holding of which the annual rent, if it were a croft let to a crofter under this Act and the Crofters (Scotland) Act 1961, would not in the opinion of the Secretary of State exceed £100, or
- (iii) a holding which exceeds 30 hectares and of which the annual rent if it were a croft so let would in the opinion of the Secretary of State exceed £100, but which in the opinion of the Secretary of State is not substantially larger than 30 hectares or is capable of being let as a croft at an annual rent not substantially in excess of £100 ;”.
- 14 In section 34(1) (determination of disputes, etc.) after the word " Act" there shall be inserted the words " or the Crofting Reform (Scotland) Act 1976 ".
- 15 In Schedule 3 (provisions as to security, etc., of loans)—
- (a) in paragraph 1, for the words " bond which shall be a charge on " there shall be substituted the words " heritable security over ";
- (b) in paragraph 4, for the word " bond " there shall be substituted the words " heritable security ".

*The Valuation and Rating (Scotland) Act 1956*

- 16 In section 7 (provisions relating to agricultural lands and heritages and dwelling-houses occupied in connection therewith)—
- (a) in subsection (6)(b) for the words " fifty pounds " there shall be substituted the word " £100 ";
- (b) at the end of subsection (8)(b) there shall be added the words “and
- (c) to a dwelling-house, comprised in a conveyance of the site of the dwelling-house on or pertaining to a croft or the subject of a cottar obtained after the passing of the Crofting Reform (Scotland) Act 1976 by a person who is the crofter of the croft or, as the case may be, the cottar of the subject of which the dwelling-house then forms part, and occupied by that person or the husband or wife of that person.”

*The Crofters (Scotland) Act 1961*

- 17 In section 2 (new crofts, enlarged crofts and common grazings)— ,
- (a) subsection (1), and in subsection (5) the words from the beginning to " section, and " shall cease to have effect;

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- (b) in subsections (2)(a) and (b) and (3) for the words "and this Act" there shall be substituted the words " this Act and the Crofting Reform (Scotland) Act 1976 ";
  - (c) in subsection (2)(b)—
    - (i) for the words "seventy-five acres" and "fifty pounds " there shall be substituted respectively the words " 30 hectares " and " £100 ",
    - (ii) for the words " Secretary of State ", " him " and " he makes " there shall be substituted respectively the words " Commission " , " them " and " they make " ;
  - (d) after subsection (2) there shall be inserted the following subsection—
    - “(2A) The Commission shall make a direction under subsection (2) above only if they are satisfied that such a direction—
      - (a) would be of benefit to the croft; and
      - (b) would not result in the croft as enlarged by the land referred to in that subsection being substantially larger than 30 hectares or capable of being let as a croft at an annual rent substantially in excess of £100.”
- 18 At the end of section 3(2) (Commission to maintain register of crofts), there shall be added the following proviso—
- “Provided that the Commission shall not be required under this subsection to send a copy of any new entry or of any entry altered by them or to intimate the omission of any entry to any person who has to any extent assisted the Commission in the performance of their duties of inserting or, as the case may be, altering or omitting an entry by the furnishing of information to them.”.
- 19 In section 4 (determination of questions by Land Court), in subsections (1) and (2), after the words " or this Act " and " and this Act" wherever they occur there shall be inserted respectively the words " or the Crofting Reform (Scotland) Act 1976 " and " and the Crofting Reform (Scotland) Act 1976 ".
- 20 In section 12(1)(3)(c) (subletting of crofts not adequately used), for the words " one acre " there shall be substituted the words " one half hectare ".
- 21 In section 13 (subleases of crofts), in the proviso to subsection (3) after the words " one month " where they first occur there shall be inserted the words " or such longer period not exceeding three months as the Commission may in all the circumstances think reason-able ",
- and after the words " one month " where they subsequently occur there shall be inserted the words " or the said longer period ".
- 22 In section 14(1) (amendment of powers of Secretary of State with respect to giving of financial assistance in crofting counties)—
- (a) in paragraph (b), for the words " seventy-five acres" and " fifty pounds " there shall be substituted respectively the words " 30 hectares " and " £100 " ;
  - (b) after paragraph (b) there shall be inserted the following paragraph—
    - “(bb) for occupiers of holdings, other than crofts situated in the crofting counties which exceed 30 hectares (exclusive of any common pasture or grazing held therewith) and of which the annual rent if they were crofts so let would in the

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opinion of the Secretary of State exceed £100, but which in the opinion of the Secretary of State are not substantially larger than 30 hectares (exclusive of any common pasture or grazing held therewith) or are capable of being so let at an annual rent not substantially in excess of £100, being occupiers who in the opinion of the Secretary of State are of substantially the same economic status as a crofter; and”.

- 23 In section 15 (amendment of law with respect to common grazings)—
- (a) in subsection (2)—
    - (i) for the words " paragraph (b) of the said subsection " there shall be substituted the words " such of the crofters referred to in paragraph (b) of that subsection as are liable to pay any expenses in accordance with a proposed allocation of expenditure referred to in subsection (1A) of section 25 of that Act or, as the case may be, such a proposed allocation as approved or modified by the (Commission under that subsection ";
    - (ii) for the words from " discharge " to the end there shall be substituted the words " performance of the duties imposed on them by paragraphs (a) and (b) respectively of section 25(1) of that Act. ";
  - (b) in subsection (6) for the words " and of this Act" and "either" there shall be substituted respectively the words " this Act and the Crofting Reform (Scotland) Act 1976 " and " any ".

*The Countryside (Scotland) Act 1967*

- 24 In section 13 (access agreements)—
- (a) in subsection (9)(a), after the word " either " there shall be inserted the word " (i) ",  
and for the words from " with the consent" to "Commission" there shall be substituted the words " (ii) subject to subsection (9A) below ";
  - (b) after subsection (9) there shall be inserted the following subsection—

“(9A) A grazings committee to whom such a payment as is referred to in paragraph (a) of subsection (9) above has been made and who are proposing to apply the payment in carrying out works in accordance with head (ii) of that paragraph shall give notice in writing to each crofter sharing in the common grazings of their proposals ; and any such crofter may within one month of the date of such notice make representations in respect of the proposals to the Crofters Commission who may approve them with or without modifications or reject them.”

*The Agriculture (Miscellaneous Provisions) Act 1968*

- 25 For section 11(8) (certain payments to tenant farmers), there shall be substituted the following subsection—
- “(8) The provisions of the Small Landholders (Scotland) Acts 1886 to 1931 with regard to the Scottish Land Court shall, with any necessary modifications, apply for the purpose of the determination of any matter referred to them

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under subsection (7) of this section as they apply for the purpose of the determination by them of matters referred to them under those Acts.”.

## SCHEDULE 3

Section 22(2).

## REPEAL OF ENACTMENTS

Chapter	Short Title	Extent of Repeal
49 & 50 Vict. c. 29.	The Crofters Holdings (Scotland) Act 1886.	Section 27.
1 & 2 Geo. 5. c. 49.	The Small Landholders (Scotland) Act 1911.	Section 25(6).
3 & 4 Eliz. 2. c 21.	The Crofters (Scotland) Act 1955.	In section 2 (3), the words from " and the provisions " to the end. In section 12(4), the words " the constitution of new crofts or". In section 16, subsection (2), in subsection (4) the words from the beginning of paragraph (a) to " case " in paragraph (b). In section 17, subsections (4) to (8), in subsection (9) the words from the beginning to " foregoing subsection " and subsection (10). Section 18. In section 22, subsections (4) (d) and (8). In section 25(1), the proviso. In Schedule 3, in paragraph 4, the word " appropriate ".
9 & 10 Eliz. 2. c. 58.	The Crofters (Scotland) Act 1961.	In section 2, subsection (1), in subsection (5) the words from the beginning to " section, and" and subsection (7). In section 6, in subsection (2) the words " as a separate croft" and in subsection (3) the words " or paragraph (a)



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Chapter	Short Title	Extent of Repeal
		of subsection (9) of section 19 of that Act". Section 7. Section 8(3)(e).