



Crofting Reform (Scotland) Act 1976

1976 CHAPTER 21

5 Provisions relating to conveyance

- (1) A landlord shall have power to execute a valid conveyance in pursuance of the foregoing provisions of this Act, notwithstanding that he may be under any such disability as is mentioned in section 7 of the Lands Clauses Consolidation (Scotland) Act 1845.
- (2) Where the Land Court are satisfied, on the application of the crofter or cottar or his nominee that the landlord has failed to execute a conveyance of land in favour of such person in compliance with an order under section 2(1) or 4(1) of this Act within such time as the Land Court consider reasonable, they shall make an order authorising their principal clerk to execute the conveyance and such other deeds as adjusted at his sight as may be necessary to give effect to the order; and a conveyance executed by the principal clerk under this subsection shall have the like force and effect in all respects as if it had been executed by the landlord.
- (3) Where the principal clerk of the Land Court has executed a conveyance in pursuance of subsection (2) above, the Land Court may make such order as they think fit with regard to the payment of the consideration in respect of the conveyance and in particular providing for the distribution of the sum comprised in the consideration according to the respective estates or interests of persons making claim to such sum.
- (4) Notwithstanding that the Land Court have made an order under section 2(1) or 4(1) of this Act determining the terms and conditions on which land is to be conveyed, the crofter or, as the case may be, the cottar and the landlord may arrange for the conveyance of the land on any other terms and conditions that they may agree.
- (5) Where a person other than the landlord is infeft in the subjects to be conveyed, the second references in sections 1(2) and 2(1) of this Act and the reference in the said section 4(1) and in the foregoing provisions of this section to the landlord shall be construed as references to the landlord and such other person for their respective rights.
- (6) The Land Court in specifying in an order under the said section 2(1) or 4(1) the terms and conditions on which land is to be conveyed shall have regard to any existing land obligations as defined in section 1(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970 relating to such land.

Status: This is the original version (as it was originally enacted).

- (7) Where the landlords are the National Trust for Scotland, they shall not be required to convey land by an order of the Land Court under the said section 2(1) or 4(1) otherwise than by a grant in feu; but section 4(2) of the Order confirmed by the National Trust for Scotland Order Confirmation Act 1947 (which requires the consent of the Lord Advocate to grants in feu by the Trust exceeding 20 acres) shall not apply to such a grant.
- (8) Where the Land Court are satisfied, on the application of the landlord, that the crofter or his nominee has failed to execute a standard security in favour of the landlord in compliance with a condition imposed by the Land Court under section 2(4) of this Act within such time as the Land Court consider reasonable, they shall make an order authorising their principal clerk to execute the standard security; and a standard security executed by the principal clerk under this subsection shall have the like force and effect in all respects as if it had been executed by the crofter or his nominee.