

*Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 1 S

(introduced by section 1(6))

#### THE CROFTING COMMISSION

##### Textual Amendments

- F1** Sch. 1 substituted (1.10.2011 for specified purposes, 1.4.2012 in force in so far as not already in force) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 1** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with arts. 45(1)8); S.S.I. 2011/334, art. 3, sch. Pt. 2 (with arts. 45(3))

##### *Status*

- 1 (1) The Commission are a body corporate.
- (2) The Commission are not to be regarded as a servant of the Crown, nor are they to be regarded as having any status, privilege or immunity of the Crown.
- (3) The Commission's members and employees are not to be regarded as civil servants.
- (4) The Commission's property is not to be regarded as property of, or held on behalf of, the Crown.

##### *General powers*

- 2 (1) The Commission may do anything which they consider is necessary or expedient for the purpose of exercising or in connection with their functions.
- (2) In particular, the Commission may—
  - (a) co-operate with any person in the exercise of the Commission's functions;
  - (b) with the approval of the Scottish Ministers, acquire and dispose of land and other property;
  - (c) enter into contracts;
  - (d) charge, in respect of such of their functions as may be prescribed by the Scottish Ministers, such reasonable amounts as may be so prescribed.

##### *Membership*

- 3 (1) Subject to sub-paragraph (2), the Commission are to consist of no fewer than five and no more than nine members as follows—
  - (a) no fewer than two persons appointed by the Scottish Ministers (“appointed members”); and
  - (b) no more than six persons elected by virtue of paragraph 7 (“elected members”).

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- (2) The majority of members are to be elected members unless, by virtue of the appointment of a person by the Scottish Ministers under paragraph 6(3) or 9(3), such a majority cannot be maintained.
- (3) The Scottish Ministers must select a member to chair the Commission (the “convener”).
- (4) The Scottish Ministers may delegate to the Commission the duty to select a member to chair the Commission.
- (5) A delegation under sub-paragraph (4) may be varied or revoked at any time.
- (6) The Scottish Ministers may, by order, modify sub-paragraph (1) above to alter—
  - (a) the number of members;
  - (b) the number of appointed members;
  - (c) the number of elected members,
 but such an order may not contain provision to the effect that the majority of members would not be elected members.

*Appointed members: eligibility*

- 4 (1) In appointing members of the Commission, the Scottish Ministers must—
  - (a) ensure—
    - (i) that each person appointed has knowledge of crofting;
    - (ii) where sub-paragraph (2) applies, that at least one person appointed can speak the Gaelic language; and
    - (iii) where sub-paragraph (3) applies, that at least one person appointed appears to Ministers to represent the interests of landlords of crofts; and
  - (b) be satisfied that no person appointed has any financial or other interest that would be likely to affect prejudicially the exercise by that person of the functions of a member.
- (2) This sub-paragraph applies where none of the elected members can speak the Gaelic language.
- (3) This sub-paragraph applies where the Scottish Ministers consider that none of the elected members represents the interests of landlords of crofts.
- (4) The fact that a person is—
  - (a) a crofter;
  - (b) a landlord of a croft;
  - (c) an owner-occupier of a croft;
  - (d) a cottar; or
  - (e) a member of the family of any such person,
 does not of itself constitute an interest mentioned in sub-paragraph (1)(b).
- (5) No person may be appointed as a member of the Commission if that person is, or has at any time during the previous year been, a member of—
  - (a) the House of Commons;
  - (b) the Scottish Parliament;
  - (c) the European Parliament.

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*Appointed members: terms of appointment*

- 5 Subject to this schedule, an appointed member holds and vacates office on such terms and conditions as the Scottish Ministers determine.

*Resignation and cessation of membership*

- 6 (1) A person may resign office as a member of the Commission at any time by notice in writing to the Scottish Ministers.
- (2) A person who ceases to be a member of the Commission (other than by virtue of being removed under paragraph 9) is eligible to be a member of the Commission again (whether by re-appointment or otherwise)

- (3) Where—

- (a) an elected member resigns office under sub-paragraph (1) or otherwise ceases to be a member of the Commission (other than by virtue of being removed under paragraph 9); and
- (b) is not replaced by a person such as is mentioned in sub-paragraph (4) (whether because of the person's refusal to accept office as a member or otherwise),

the Scottish Ministers may appoint (in addition to any person appointed under paragraph 3) a person to be a member of the Commission.

- (4) The person referred to in sub-paragraph (3)(b) is a person who—

- (a) was a candidate in the election by virtue of which the elected member mentioned in sub-paragraph (3)(a) held office as a member;
- (b) polled, in that election, fewer votes than the elected member so mentioned; and
- (c) by virtue of regulations made under paragraph 7, may hold office as a member of the Commission.

*Elected members: regulations*

- 7 (1) The Scottish Ministers may, by regulations, make provision for or in connection with the election of persons as members of the Commission.
- (2) Without prejudice to the generality of sub-paragraph (1), the regulations may, in particular, make provision relating to—
- (a) the voting system to be used for such elections;
- (b) the frequency and timing of such elections;
- (c) the conduct of such elections;
- (d) offences relating to such elections;
- (e) the constituencies (including boundaries) in which such elections may be held
- (f) persons who are eligible to vote in such elections (including by reference to the person's age);
- (g) the appointment of an individual to act as the returning officer for each constituency;
- (h) such an individual's—
- (i) functions;
- (ii) fees and expenses;

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- (iii) tenure and vacation of office;
  - (i) subject to sub-paragraph (5), persons who may, and may not, be candidates in elections such as are mentioned in sub-paragraph (1) (including by reference to the person's age);
  - (j) the number of members of the Commission who may be returned from each constituency;
  - (k) vacancies amongst elected members, including the circumstances in which a person who polled fewer votes in such an election than the person who polled most votes may hold office as a member of the Commission.
- (3) Regulations under sub-paragraph (1) may not make provision creating an offence such as is mentioned in sub-paragraph (2)(d) that is punishable—
- (a) on conviction on indictment, with imprisonment for a term exceeding 2 years;
  - (b) on summary conviction, with—
    - (i) imprisonment for a term exceeding 12 months; or
    - (ii) a fine exceeding level 5 on the standard scale.
- (4) In the case of an offence which is triable either on indictment or summarily, the reference in sub-paragraph (3)(b)(ii) to a fine exceeding level 5 on the standard scale is to be construed as a reference to the statutory maximum.
- (5) In making provision such as is mentioned in sub-paragraph (2)(i), the regulations must provide that the persons who may be candidates in elections such as are mentioned in sub-paragraph (1) may include persons who
- (a) are aged 16 or over; and
  - (b) have been nominated by a person eligible to vote in such elections.
- (6) Before making regulations under sub-paragraph (1), the Scottish Ministers must consult such persons or bodies as they think appropriate on—
- (a) the constituency boundaries to be used; and
  - (b) the persons who are eligible to vote,
- in elections such as are mentioned in sub-paragraph (1).

*Remuneration, allowances and pensions*

- 8 (1) The Scottish Ministers must pay to the members of the Commission such remuneration and allowances as Ministers may determine.
- (2) The Scottish Ministers may—
- (a) pay (or make arrangements for the payment of);
  - (b) make payments towards the provision of; or
  - (c) provide and maintain schemes (whether contributory or not) for the payment of,
- such pensions, allowances and gratuities to or in respect of such members and former members of the Commission as Ministers may determine.
- (3) The reference in sub-paragraph (2) to pensions, allowances and gratuities includes pensions, allowances and gratuities paid by way of compensation for loss of office.

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### *Removal of members*

- 9 (1) The Scottish Ministers may remove a member of the Commission from office, by giving notice in writing to the member, if satisfied that the member—
- (a) is insolvent;
  - (b) has been convicted of a criminal offence in relation to which the member has been sentenced to imprisonment for a period of 3 months or more;
  - (c) is incapacitated by physical illness or mental disorder;
  - (d) has been absent from meetings of the Commission for a period exceeding 6 months without the permission of the convener;
  - (e) is otherwise unable or unfit to exercise the functions of a member or is unsuitable to continue as a member.
- (2) In sub-paragraph (1)(a), a member is insolvent when—
- (a) the member's estate is sequestrated;
  - (b) the member is adjudged bankrupt;
  - (c) a voluntary arrangement proposed by the member is approved;
  - (d) the member enters into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor;
  - (e) the member grants a trust deed for creditors.
- (3) Where—
- (a) an elected member is removed from office under sub-paragraph (1); and
  - (b) is not replaced by a person such as is mentioned in sub-paragraph (4) (whether because of the person's refusal to accept office as a member or otherwise),
- the Scottish Ministers may appoint (in addition to any person appointed under paragraph 3) a person to be a member of the Commission.
- (4) The person referred to in sub-paragraph (3)(b) is a person who—
- (a) was a candidate in the election by virtue of which the removed member held office as a member;
  - (b) polled, in that election, fewer votes than the removed member; and
  - (c) by virtue of regulations made under paragraph 7, may hold office as a member of the Commission.

### *Chief executive, staff and employees*

- 10 (1) The Scottish Ministers must, after consultation with the convener of the Commission, appoint a chief executive of the Commission on such terms and conditions as Ministers may determine.
- (2) The Scottish Ministers may provide the services of such staff to the Commission as the Commission consider appropriate.
- (3) The Commission may appoint such employees as the Commission consider appropriate.
- (4) The Scottish Ministers may give directions to the Commission as to the appointment of employees under sub-paragraph (3).
- (5) Such directions may in particular relate to

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- (a) the number of appointments;
  - (b) the terms and conditions of employment.
- (6) The Commission must comply with any directions given under sub-paragraph (4).
- (7) The Commission may, with the approval of the Scottish Ministers—
- (a) pay (or make arrangements for the payment of);
  - (b) make payments towards the provision of; or
  - (c) provide and maintain schemes (whether contributory or not) for the payment of,
- such pensions, allowances and gratuities to or in respect of such of their employees, or former employees, as the Commission may determine.
- (8) The reference in sub-paragraph (7) to pensions, allowances and gratuities includes pensions, allowances and gratuities paid by way of compensation for loss of office.

#### *Quorum*

- 11 (1) The quorum of the Commission is five members.
- (2) Where there are three or more elected members, the quorum must include no fewer than three such members.

#### *Committees*

- 12 (1) The Commission must establish—
- (a) an audit committee; and
  - (b) such other committees as they consider appropriate.
- (2) The audit committee and any other committee of the Commission must comply with any directions given to it by the Commission.
- (3) The Commission may appoint as members of any of their committees persons who are not members of the Commission.
- (4) But no committee established under sub-paragraph (1) may consist entirely of such persons.
- (5) The Commission must pay to a person appointed under sub-paragraph (3) such remuneration and allowances as the Scottish Ministers may determine.

#### *Procedure*

- 13 (1) The Commission may regulate—
- (a) their own procedure; and
  - (b) the procedure of any of their committees (including any quorum).
- (2) The convener must, if present, chair meetings of the Commission and any of their committees.
- (3) If the convener is not available to chair a meeting of the Commission or a committee, the convener is to appoint another member of the Commission to chair the meeting.
- (4) The person chairing a meeting of the Commission or any committee has a casting vote.

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- (5) The Commission must keep a record of their and their committees' meetings and decisions.
- (6) The validity of any proceedings of the Commission or of any of their committees is not affected by any vacancy in membership nor by any defect in the appointment of a member.

#### *Members' interests*

- 14 (1) A member of the Commission or any other person who is in any way directly or indirectly interested in any matter brought up for consideration at a meeting of the Commission or of any committee of the Commission must disclose the nature of that interest to the meeting.
- (2) Such a disclosure must be recorded in the minutes of the meeting.
- (3) A member or other person making such a disclosure must not take part in any deliberation or decision of the Commission or of any committee of the Commission with respect to the matter to which the disclosure relates.

#### *Delegation of powers*

- 15 (1) The Commission may authorise—
  - (a) any of their members;
  - (b) any of their committees;
  - (c) their chief executive;
  - (d) any person whose services are provided to them by the Scottish Ministers;
  - (e) any of their employees,to exercise such of the Commission's functions (and to such extent) as they may determine.
- (2) Sub-paragraph (1) does not affect the responsibility of the Commission for the exercise of their functions.

#### *Local assessors*

- 16 (1) The Commission may appoint a panel of suitable persons (“assessors”) to act, when required to do so by the Commission, as assessors for the purpose of assisting the Commission in the local execution of their functions under this Act.
- (2) The Commission must, before exercising their power under sub-paragraph (1), publish details of—
  - (a) the methods to be used for the appointment of assessors; and
  - (b) the functions to be exercised by assessors.
- (3) In exercising their power under sub-paragraph (1), the Commission must—
  - (a) provide information to crofting communities about—
    - (i) the appointment of assessors; and
    - (ii) the functions that assessors exercise; and
  - (b) keep under review—
    - (i) the methods to be used for the appointment of assessors; and
    - (ii) the functions to be exercised by assessors.

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- (4) Assessors must be ordinarily resident in the crofting counties or in an area designated under section 3A(1)(b) of this Act.
- (5) The Commission may make payments to assessors in respect of any—
  - (a) loss of earnings;
  - (b) expenses (including travelling and subsistence expenses), necessarily suffered or incurred by them for the purpose of enabling them to exercise their functions as such assessors.

#### *Location of office*

- 17 The Commission—
- (a) must have their principal office premises in the crofting counties;
  - (b) must not determine where those premises are to be located without that location being approved by the Scottish Ministers; and
  - (c) must comply with any direction as to the location of those premises given by Ministers.

#### *Finance*

- 18 (1) The Scottish Ministers may—
- (a) pay grants;
  - (b) make loans,
- to the Commission of such amounts as Ministers may determine.
- (2) Any such grant or loan may be paid or, as the case may be, made, on such terms and subject to such conditions (including, in the case of a loan, conditions as to repayment) as the Scottish Ministers consider appropriate.
  - (3) The Scottish Ministers may, from time to time after any grant is paid or loan is made, vary the terms and conditions on which it was paid or, as the case may be, made.

#### *Accounts*

- 19 (1) The Commission must—
- (a) keep proper accounts and accounting records;
  - (b) prepare in respect of each financial year a statement of accounts.
- (2) The Commission must send the statement of accounts to the Scottish Ministers by such date as Ministers may direct.
  - (3) The Commission must comply with any other directions which the Scottish Ministers may give them in relation to the matters mentioned in sub-paragraph (1).
  - (4) The Scottish Ministers must, as soon as reasonably practicable after receiving a statement of accounts from the Commission—
    - (a) send them to the Auditor General for Scotland for auditing; and
    - (b) lay the audited statement before the Scottish Parliament.
  - (5) The Commission must make their audited statement of accounts available so that they may be inspected by any person.



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*Provision of information to Scottish Ministers*

- 20 The Commission must provide the Scottish Ministers with such information in respect of the exercise, or proposed exercise, of the Commission's functions as the Scottish Ministers may, from time to time, require.

*Transfer of property, rights and liabilities*

- 21 (1) Where the Scottish Ministers consider it necessary or expedient to do so to facilitate the exercise of functions by the Commission, they may transfer to the Commission any property, rights and liabilities to which Ministers are entitled or subject.
- (2) Property, rights and liabilities may be so transferred to the Commission whether or not they are otherwise capable of being transferred by the Scottish Ministers.]

SCHEDULE 2 **S**

Section 5.

THE STATUTORY CONDITIONS

- 1 The crofter shall pay his rent at the terms at which it is due and payable.
- 2 The crofter shall not, except in accordance with the provisions of this Act, execute any deed purporting to assign his tenancy.

<sup>F2</sup>3 .....

**Textual Amendments**

**F2** Sch. 2 para. 3 repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(37)(a)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

<sup>F3</sup>3A .....

**Textual Amendments**

**F3** Sch. 2 para. 3A repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(37)(a)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

<sup>F4</sup>3B .....

**Textual Amendments**

**F4** Sch. 2 para. 3B repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **sch. 4 para. 3(37)(a)** (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

- 4 The crofter shall provide such fixed equipment on his croft as may be necessary to enable him to cultivate the croft.

- 5 The crofter shall not, to the prejudice of the interest of the landlord, [<sup>F5</sup>injure the croft—
- (a) by allowing the dilapidation of buildings;

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- (b) where the croft is cultivated, by allowing, after relevant notice, the deterioration of the soil; or
- (c) where the croft is put to some other purposeful use, by actings prejudicial to that use being actings carried out after relevant notice.]

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**Textual Amendments**

**F5** Words in Sch. 2 para. 5 substituted (28.1.2008) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 7(2)(c)**, 43(3) (with **ss. 40, 43(2)**); S.S.I. 2007/568, art. 2

- [<sup>F6</sup>5A In sub-paragraphs (b) and (c) of paragraph 5 above, “relevant notice” means notice given by the landlord to the crofter not to do, or not to allow, a particular thing or not to engage in a particular course of conduct (being a thing or course of conduct specified in the notice and relevant to the deterioration or prejudice in question).]

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**Textual Amendments**

**F6** Sch. 2 para. 5A inserted (28.1.2008) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 7(2)(d)**, 43(3) (with **ss. 40, 43(2)**); S.S.I. 2007/568, art. 2

- 6 The crofter shall not sublet his croft or any part thereof otherwise than with the consent in writing of the Commission and in accordance with such conditions (which shall not include conditions relating to rent) as the Commission in giving their consent may impose:

Provided that nothing in this paragraph shall be construed as debarring a crofter from subletting any dwelling-house or other building forming part of his croft to holiday visitors.

- [<sup>F7</sup>6A The crofter shall be responsible for ensuring, where the croft is sublet, that the subtenant adheres to the statutory conditions.]

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**Textual Amendments**

**F7** Sch. 2 para. 6A inserted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 7(2)(e)**, 43(3) (with **ss. 40, 43(2)**); S.S.I. 2007/269, art. 2, sch.

- 7 The crofter shall not, except in accordance with the provisions of this Act, [<sup>F8</sup>divide] his croft.

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**Textual Amendments**

**F8** Word in Sch. 2 para. 7 substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 7(2)(f)**, 43(3) (with **ss. 40, 43(2)**); S.S.I. 2007/269, art. 2, sch.

- 8 The crofter shall not, without the consent in writing of the landlord, erect or suffer to be erected on the croft any dwelling-house otherwise than in substitution for a dwelling-house which at the commencement of this Act was already on the croft:

Provided that, if at the commencement of this Act there was no dwelling-house on the croft, the crofter may erect one dwelling-house thereon.

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- 9 The crofter shall not <sup>F9</sup>... violate any written condition signed by him for the protection of the interest of the landlord or of neighbouring crofters which is legally applicable to the croft and which the Land Court shall find to be reasonable.

**Textual Amendments**

- F9** Word in Sch. 2 para. 9 repealed (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\), ss. 7\(2\)\(g\), 43\(3\)](#) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

- 10 The crofter shall not do any act whereby he becomes apparently insolvent within the meaning of the Bankruptcy (Scotland) Act [<sup>F10</sup>2016] .

**Textual Amendments**

- F10** Word in Sch. 2 para. 10 substituted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\), s. 237\(2\), sch. 8 para. 13](#) (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

- 11 The crofter shall permit the landlord or any person authorised by the landlord in that behalf to enter upon the croft for the purpose of exercising (subject always to the payment of such compensation as in case of dispute the Land Court may find to be reasonable in respect of any damage done or occasioned thereby) any of the following rights, and shall not obstruct the landlord or any person authorised as aforesaid in the exercise of any of such rights, that is to say—

- (a) mining or taking minerals, or digging or searching for minerals;
- (b) quarrying or taking stone, marble, gravel, sand, clay, slate or other workable mineral;
- (c) using for any estate purpose any springs of water rising on the croft and not required for the use thereof;
- (d) cutting or taking timber or peats, excepting timber and other trees planted by the crofter or any of his predecessors in the tenancy, or which may be necessary for ornament or shelter, and excepting also such peats as may be required for the use of the croft;
- (e) opening or making roads, fences, drains and water courses;
- (f) passing and re-passing to and from the shore of the sea or any loch with or without vehicles for the purpose of exercising any right of property or other right belonging to the landlord;
- (g) viewing or examining at reasonable times the state of the croft and all buildings or improvements thereon;
- (h) hunting, shooting, fishing or taking game or fish, wild birds or vermin;

but nothing in this paragraph shall be held to preclude the crofter from recovering any compensation for damage by game which is recoverable under section 52 of the <sup>M1</sup>Agricultural Holdings (Scotland) Act 1991 [<sup>F11</sup>, or by virtue of section 53(3) of the Agricultural Holdings (Scotland) Act 2003 (asp 11)] , by a tenant<sup>F12</sup>....

**Textual Amendments**

- F11** Words in Sch. 2 para. 11 inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), sch. para. 49\(c\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with sch.)
- F12** Words in Sch. 2 para. 11 repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), sch. para. 49\(c\)\(ii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with sch.)

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### Marginal Citations

**M1** 1991 c. 55.

[<sup>F13</sup>11A Nothing in paragraph 11 above shall be held to allow, or require the crofter to allow, the landlord, or any person authorised by the landlord, to exercise unreasonably a right enjoyed by virtue of that paragraph.]

### Textual Amendments

**F13** Sch. 2 para. 11A inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), ss. 7(2)(h), 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

12 The crofter shall not on his croft, without the consent in writing of the landlord, open any house for the sale of intoxicating liquors.

13 In this Schedule—

**F14**  
...

“game” means deer, hares, rabbits, pheasants, partridges, grouse, blackgame, capercaillie, ptarmigan, woodcock, snipe, wild duck, widgeon and teal.

**F14**  
...

### Textual Amendments

**F14** Words in Sch. 2 para. 13 repealed (1.10.2011) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), sch. 4 para. 3(37)(b) (with s. 57(4)); S.S.I. 2011/334, art. 3, sch. Pt. 1 (with art. 4)

## SCHEDULE 3 **S**

Section 30(7).

### PERMANENT IMPROVEMENTS

1 Dwelling-house.

2 Improvement works carried out in compliance with a notice of a final resolution served under Part IV of the <sup>M2</sup>Housing (Scotland) Act 1987.

### Marginal Citations

**M2** 1987 c. 26.

3 Farm offices.

4 Subsoil and other drains.

5 Walls and fences.

6 Deep trenching.

7 Clearing the ground.

8 Planting trees, other than under section 48(4) of this Act.

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- 9 Making piers or landing stages.
- 10 Roads practicable for vehicles from the croft to the public road or the sea shore.
- 11 All other improvements which, in the judgment of the Land Court, will add to the value of the croft as an agricultural subject.
- 12 Buildings or other structures erected under section 5 of the <sup>M3</sup>Crofters (Scotland) Act 1961 or section 31 of this Act, being buildings or structures which are fixtures on the land, or works executed under the said section 5 or 31.

#### Marginal Citations

**M3** 1961 c. 58.

### F<sup>15</sup>SCHEDULE 4 **S**

Section 38(7).

#### Textual Amendments

**F15** Sch. 4 repealed (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), ss. 20(5), 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

### SCHEDULE 5 **S**

Sections 19(1), 43(4) and (6), 45(2) and 46(3).

#### PROVISIONS AS TO SECURITY, ETC., OF LOANS

- 1 The loan shall be secured by a heritable security over the land in favour of the Secretary of State.
- 2 The loan shall either be repaid by half-yearly instalments of principal with such interest and within such period (not exceeding such period as may be fixed by the Treasury) from the date of the loan, or at such date thereafter not exceeding 18 months as may be agreed on, or shall be repaid with such interest and within such period by a terminable annuity payable by half-yearly instalments.
- 3 The amount for the time being unpaid may at any time be discharged, and any such terminable annuity may at any time be redeemed in accordance with tables fixed by the Secretary of State.
- 4 A certificate by the Secretary of State that the whole of the loan has been repaid or that such terminable annuity has been redeemed shall, without any other instrument, operate as a discharge of the loan or extinction of the terminable annuity, as the case may be, and the recording of such certificate in the Register of Sasines or the registration of the certificate in the Land Register of Scotland shall be equivalent to the recording or the registration of a discharge of the said heritable security.
- 5 The Secretary of State shall cause to be prepared and duly recorded all documents necessary for securing the payment of any loan over land made by him, and shall

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include in the loan the cost so incurred, or to be incurred, in accordance with scales set forth in tables fixed by the Secretary of State.

## SCHEDULE 6 **S**

Section 63(1).

### TRANSITIONAL PROVISIONS AND SAVINGS

- 1 In so far as anything done under an enactment repealed by this Act could have been done under a corresponding provision of this Act, it shall not be invalidated by the repeal but shall have effect as if done under that provision.
- 2 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.
- 3 Any reference in any enactment or document, whether express or implied, to an enactment repealed by this Act shall, unless the context otherwise requires, be construed as a reference to the corresponding enactment in this Act.
- 4 Nothing in this Act shall affect the enactments repealed by this Act in their operation in relation to offences committed before the commencement of this Act.
- 5 The repeal by this Act of section 22 of the 1955 Act shall not affect the operation of that section in so far as it relates to a person who is the owner and occupier of a holding mentioned in subsection (6) of that section.
- 6 Notwithstanding the repeal by this Act of section 3 of the <sup>M4</sup>Crofter Forestry (Scotland) Act 1991, the amendments made by that section to section 1 of the <sup>M5</sup>Forestry Act 1979 and to section 2 of the <sup>M6</sup>Farm Land and Rural Development Act 1988 shall continue to have the same effect as they had immediately before the commencement of this Act.

#### Marginal Citations

- M4** 1991 c. 18.  
**M5** 1979 c. 21.  
**M6** 1988 c. 16.

## SCHEDULE 7 **S**

Section 63(2).

### REPEALS

#### PART I **S**

##### ENACTMENTS REPEALED SO FAR AS THEY APPLY IN THE CROFTING COUNTIES

Chapter	Short title	Extent of repeal
49 & 50 Vict. c. 29	The Crofters F16	Section 30.

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	[Holdings] (Scotland) Act 1886	
		Section 33.
1 & 2 Geo. 5 c. 49	The Small Landholders (Scotland) Act 1911	Section 28.
1976 c. 21	The Crofting Reform (Scotland) Act 1976	Section 17(2).

#### Textual Amendments

**F16** Word in Sch. 7 Pt. 1 inserted (retrospectively) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), [Sch. 1 para. 2\(21\)\(22\)](#) (with [ss. 40, 43\(2\)](#)); [S.S.I. 2007/269](#), art. 2, [Sch.](#)

## PART II **S**

### OTHER ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
3 & 4 Eliz. 2 c. 21	The Crofters (Scotland) Act 1955	The whole Act.
9 & 10 Eliz 2 c. 58	The Crofters (Scotland) Act 1961	The whole Act.
1976 c. 21	The Crofting Reform (Scotland) Act 1976	The whole Act except section 17.
1985 c. 73	The Law Reform (Miscellaneous Provisions) (Scotland) Act 1985	Sections 30 and 31.
1991 c.18	The Crofter Forestry (Scotland) Act 1991	The whole Act.

## **S**

### TABLE OF DERIVATIONS

Showing the derivation of the provisions of the Act

NOTE: The following abbreviations are used in this Table—

1955	= The Crofters (Scotland) Act 1955 (c.21)
1961	= The Crofters (Scotland) Act 1961 (c.58)
1968	= The Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c.70)

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1973	= The Local Government (Scotland) Act 1973 (c.65)
1974	= The Housing (Scotland) Act 1974 (c.45)
1975	= The Criminal Procedure (Scotland) Act 1975 (c.21)
1976	= The Crofting Reform (Scotland) Act 1976 (c.21)
1985	= The Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73)
1991	= The Crofter Forestry (Scotland) Act 1991 (c.18)
R (followed by a number)	= The recommendation so numbered in the Appendix to the Report of the Scottish Law Commission.

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<b>Provisions</b>	<b>Derivations</b>
1	1955 s.1; 1961 s.1; 1976 Sch.2 para.4.
2	1955 s.2; 1976 Sch.2 para.5.
3	1955 s3(1), (2), (5) and (6); 1961 Sch.1 Pt.II para.9; 1976 s.14.
4(1)	1961 s.2(2).
(2)	1961 s.2(2A); 1976 Sch.2 para.17.
(3)	1961 s.2(3).
(4)	1961 s.2(5).
5(2)	1955 s.3(3).
(3)	1955 s.3(4).
6	1955 s.5.
7	1955 s.7; 1961 Sch.1 Pt.I para.1.
8	1955 s.8; 1961 Sch.1 Pt.II para.10; 1968 Sch.2 Pt.I para 1; 1976 s.15 and Sch.2 para.6.
9	1955 s.9.
10	1955 s.10; 1968 Sch.2 Pt.I paras.2 and 3.
11	1955 s.11; 1968 s.8 Sch.2 Pt II.
12(1)–(4)	1976 s.1. R1.
(5)	1955 s.28(4); 1976 s.21.
13	1976 s.2.
14	1976 s.3.
15	1976 s.4.



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16	1976 s.5.
17	1976 s.6; R2.
18	1976 s.7.
19	1976 s.8.; Enterprise and New Towns (Scotland) Act 1990 (c.35) s.22.
20	1955 s.12; 1961 Sch.1 Pt.II para.11; 1976 Sch.3; 1985 s.30(1); 1991 s.2(1).
21	1976 s.9; 1985 s.30(2); R3.
22	1955 s.17; 1976 Sch.2 para.9.
23	1955 s.16; 1961 Sch.1 Pt.I para.5 & Pt.II para.12; 1968 Sch.2 Pt.I para.17; 1975 ss.289F and 289G; 1976 s.13 Sch.2 para.8; R4.
24	1955 ss.12(4), 16(7),(9) and (9A).
25	1955 s.16A; 1976 s.13(3).
26	1955 s.13; 1961 Sch.1 Pt.I para.3.
27	1961 s.11.
28(1) to (16)	1961 s.12; 1976 Sch.2 para.20.
(17)	1961 s.19(2).
29	1961 s.13; 1976 Sch.2 para.21.
30(1)	1955 s.14(1); 1968 s.8 Sch.2 Pt.II.
(2)	1955 s.14(2).
(3)	1955 s.14(3).
(4)	1955 s.14(8).
(5)	1955 s.14(10).
(6)	1955 s.14(11).
(7)	1955 s.37(1).
31	1961 s.5.
32	1961 s.6; 1968 Sch.2 paras. 19 to 21.
33	1955 s.6.
34(1)	1955 s.14(6).
(2)	1955 s.14(7).
(3)	1955 s.14(8).
35	1955 s.14(9).
36	1955 s.28; 1961 Sch.1 Pt.I para.7.
37	1976 s.10.
38	1961 s.8.

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39	1961 s.9.
40	1955 s.15; 1975 ss.289F and 289G; 1976 Sch.2 para.7.
41	1961 s.3; 1976 Sch.2 para.18; 1991 s.2(7).
42(1) to (6) and (8) to (10)	1955 s.22; 1961 s.14; 1975 ss.289F and 289G; 1976 s.12(2), (5) and (6); 1985 s.31. R5(a) and (b).
(7)	1961 s.14(2).
43	1955 s.23; 1957 s.10(7).
44	1955 s.28(3).
45	1976 s.12(1),(3),(4) and (5).
46(1) to (3)	1955 s.31; 1976 s.12(2) and (5); 1976 Sch.2 para.13.
(4)	1961 s.14(1).
47(1) to (9)	1955 s.24; 1961 15(1), Sch.1 Pt.II para.13; 1976 s.16(1).
(10)	1961 s.15(6).
48	1955 s.25; 1961 Sch.1 Pt.II para.14; 1976 s.16(2) and (3); 1991 ss.1(1) and 2(2).
49	1955 s.26; 1961 s.15(2) and (3) Sch.1 Pt.II para.15; 1976 s.16(4); 1991 s.2(3).
50	1991 s.1(2).
51	1961 s.2(4) and (5).
52 (except subs (6))	1955 s.27; 1961 s.15; 1975 ss.289F and 289G; 1976 s.16(5) and Sch.2 para.11; 1991 s.2(4); R6(a) and (b).
(6)	1961 s.15(5).
53(1)	1961 s.4(1); 1976 Sch.2 para.19.
(2)	1961 s.4(2).
54	1976 s.17(2).
55	1955 s.29.
56	1955 s.30; 1975 ss.289E, 289F and 289G.
57	1955 s.32; 1963 s.47.
58	1955 s.33.
59	1955 s.35
60	1955 s.36.
61	1955 s.37; 1961 s.17(1); 1973 Sch.27 Pt.II para.20; 1976 s.21.

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62	1955 s.38; 1976 s.19.
Sch 1	1955 Sch.1; 1976 s.18.
Sch 2	1955 Sch.2; 1961 Sch.1 Pt.II para.20; 1991 s.2(5).
Sch 3	1955 Sch. 5; 1961 Sch.1 Pt.II para. 21; 1974 s.25(3); 1991 s.2(6).
Sch 4	1961 Sch.2; 1973 s.237(2).
Sch 5	1955 Sch.3; 1976 Sch.2 para.15.

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<b>Provisions</b>	<b>Derivations</b>
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2	1955 s.2; 1976 Sch.2 para.5.
3	1955 s3(1), (2), (5) and (6); 1961 Sch.1 Pt.II para.9; 1976 s.14.
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(3)	1961 s.2(3).
(4)	1961 s.2(5).
5(2)	1955 s.3(3).
(3)	1955 s.3(4).
6	1955 s.5.
7	1955 s.7; 1961 Sch.1 Pt.I para.1.
8	1955 s.8; 1961 Sch.1 Pt.II para.10; 1968 Sch.2 Pt.I para 1; 1976 s.15 and Sch.2 para.6.
9	1955 s.9.
10	1955 s.10; 1968 Sch.2 Pt.I paras.2 and 3.
11	1955 s.11; 1968 s.8 Sch.2 Pt II.
12(1)–(4)	1976 s.1. R1.
(5)	1955 s.28(4); 1976 s.21.
13	1976 s.2.
14	1976 s.3.
15	1976 s.4.
16	1976 s.5.
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18	1976 s.7.
19	1976 s.8.; Enterprise and New Towns (Scotland) Act 1990 (c.35) s.22.

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20	1955 s.12; 1961 Sch.1 Pt.II para.11; 1976 Sch.3; 1985 s.30(1); 1991 s.2(1).
21	1976 s.9; 1985 s.30(2); R3.
22	1955 s.17; 1976 Sch.2 para.9.
23	1955 s.16; 1961 Sch.1 Pt.I para.5 & Pt.II para.12; 1968 Sch.2 Pt.I para.17; 1975 ss.289F and 289G; 1976 s.13 Sch.2 para.8; R4.
24	1955 ss.12(4), 16(7),(9) and (9A).
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(17)	1961 s.19(2).
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30(1)	1955 s.14(1); 1968 s.8 Sch.2 Pt.II.
(2)	1955 s.14(2).
(3)	1955 s.14(3).
(4)	1955 s.14(8).
(5)	1955 s.14(10).
(6)	1955 s.14(11).
(7)	1955 s.37(1).
31	1961 s.5.
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(2)	1955 s.14(7).
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35	1955 s.14(9).
36	1955 s.28; 1961 Sch.1 Pt.I para.7.
37	1976 s.10.
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50	1991 s.1(2).
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54	1976 s.17(2).
55	1955 s.29.
56	1955 s.30; 1975 ss.289E, 289F and 289G.
57	1955 s.32; 1963 s.47.
58	1955 s.33.
59	1955 s.35
60	1955 s.36.
61	1955 s.37; 1961 s.17(1); 1973 Sch.27 Pt.II para.20; 1976 s.21.
62	1955 s.38; 1976 s.19.
Sch 1	1955 Sch.1; 1976 s.18.
Sch 2	1955 Sch.2; 1961 Sch.1 Pt.II para.20; 1991 s.2(5).

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Sch 3	1955 Sch. 5; 1961 Sch.1 Pt.II para. 21; 1974 s.25(3); 1991 s.2(6).
Sch 4	1961 Sch.2; 1973 s.237(2).
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