



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

### *Rights of crofters and cottars to acquire their subjects*

#### **15 Determination by Land Court of terms and conditions for conveyance of the site of the dwelling-house.**

- (1) The Land Court, on an application made to it under section 12(2) of this Act, may make an order requiring the landlord to convey the site of the dwelling-house to the crofter or cottar or his nominee with such boundaries and subject to such terms and conditions as, failing agreement, may be specified in the order.
- (2) Where the parties have failed to reach agreement about the consideration payable in respect of the conveyance the consideration shall be—
  - (a) the amount as determined by the Land Court which the site, if sold in the open market by a willing seller, might be expected to realise assuming that—
    - (i) there were or would be no buildings on the site;
    - (ii) the site were available with vacant possession;
    - (iii) the site were not land to which this Act applies; and
    - (iv) no development of the site were or would be permitted in pursuance of [<sup>F1</sup>the 1997 Act];and in addition, in a case where the landlord has provided fixed equipment on the site—
  - (b) an amount equal to one half of the proportion attributable to that fixed equipment, as determined by the Land Court, of the value of the site, such value being the amount as so determined which the site, if sold as aforesaid, might be expected to realise making the assumptions referred to in subparagraphs (ii), (iii) and (iv) of paragraph (a) above.
- (3) The Land Court in making an order under subsection (1) above may determine that any of the expenses of the conveyance of the site and other expenses necessarily incurred by the landlord in relation thereto shall be borne by the crofter or cottar:

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*Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 15. (See end of Document for details)*

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- (4) Failing agreement between the parties as to the amount of such expenses, the auditor of the Land Court may, on the application of either party, determine such amount; and may determine that the expenses of taxing such expenses shall be borne by the parties in such proportion as he thinks fit.

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**Textual Amendments**

- F1** Words in s. 15(2)(a)(iv) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 55(2)**.
- F2** Words in s. 15(3) repealed (25.6.2007) by **Crofting Reform etc. Act 2007 (asp 7)**, s. 43(3), **sch. 2** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 15.