



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Reorganisation schemes

39 Putting into effect of reorganisation schemes.

[^{F1}(1) The Commission shall not take any steps in discharge of their duties or powers under this section in relation to a reorganisation scheme until (whichever first occurs)—

- (a) the period of 42 days mentioned in section 38A(1) of this Act has elapsed without any appeal to the Land Court under that section being made; or
- (b) every such appeal timeously made is—
 - (i) decided and, where by virtue of subsection (3)(b)(i) of section 38A of this Act the Land Court has required modifications to be made to the scheme, those modifications have been made and the Commission have complied with subsection (3)(b)(ii) of that section; or
 - (ii) abandoned.

(1A) [^{F2}Subject to subsection (2A),] The Commission—

- (a) shall put into effect a reorganisation scheme—
 - (i) prepared by them under section 38(8)(a); or
 - (ii) where by virtue of subsection (3)(b)(i) of section 38A of this Act the Land Court has required modifications to be made to the scheme, of which they have served a copy by virtue of subsection (3)(b)(ii) of that section; and
- (b) may do all such things as are required for that purpose.]

(2) [^{F3}Subject to subsection (2B),] A reorganisation scheme shall be put into effect on such date as may be appointed by the Commission, and the Commission may appoint different dates in respect of different provisions of the scheme, and any reference in this Act to the date on which a reorganisation scheme is put into effect shall, in relation to any land, be construed as a reference to the date on which the provisions of that scheme which apply to such land are put into effect.

[^{F4}(2A) Before putting into effect a reorganisation scheme which contains provision—

- (a) forming a croft;

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- (b) making any change to, or in relation to, a croft,
the Commission must submit, in accordance with Part 2 of the 2010 Act, an application for registration of the croft so formed, the croft affected by the change or, as the case may be, the change to the croft.
- (2B) The date appointed under subsection (2) for the putting into effect of any provision of a reorganisation scheme in respect of which an application for registration under subsection (2A) is made is to be the date of registration.]
- (3) The Commission [^{F5}may] remit the scheme to the Land Court to fix the sums which will become payable on the scheme being put into effect—
- (a) to each person who immediately before the said date was the tenant of a croft in the township, by way of compensation in respect of permanent improvements by reason of the termination of his tenancy by virtue of subsection (6) below;
 - (b) by each person (whether or not he was immediately before the said date the tenant of a croft in the township) who under the scheme becomes the tenant of a croft, in respect of the permanent improvements on that croft; and
 - (c) by way of rent in respect of each of the crofts formed under the scheme.
- ^{F6}(4)
- (5) The rent fixed by the Land Court in pursuance of subsection (3)(c) above in respect of any croft shall not be altered, except by agreement between the landlord and the crofter, for a period of 7 years from the term at which it first became payable.
- [^{F7}(5A) Subsection (3A) of section 6 of this Act applies in relation to subsection (5) above as it applies in relation to the proviso to subsection (3) of that section.]
- (6) For the purpose of putting into effect the provisions of a reorganisation scheme, the Commission shall serve on the tenant and on the landlord of every croft to which those provisions apply and on any person (other than such a tenant) who under the scheme is to become the tenant of a croft a notice specifying the date on which the scheme is to be put into effect, and where such notices have been served—
- (a) every such tenant shall be deemed to have given notice renouncing the tenancy of his croft immediately before the said date; and
 - (b) each person (whether or not such a tenant) who under the scheme is to become the tenant of a croft shall on that date become the tenant of that croft.
- (7) Where any buildings situated on land to which a reorganisation scheme applies will on the putting into effect of the scheme cease to be required in connection with the occupation of that land, the Commission shall^{F8}... give notice to that effect to the landlord of the land, and thereupon subsections (7) and (8) of section 23 of this Act shall apply in relation to the buildings first mentioned as if the said notice had been a notice given under the said subsection (7) to the landlord by the Commission immediately before the date of the putting into effect of the scheme.
- A notice given under this subsection to a landlord by the Commission shall inform the landlord of the effect of this subsection in relation to the buildings in respect of which the notice is given.
- (8) Where a reorganisation scheme provides, in pursuance of section 38(3)(a) of this Act, for the inclusion in the scheme of land in the vicinity of the township, the [^{F9}Commission shall] serve—

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- (a) on the occupier of any such land who is not the owner thereof, a copy of the scheme together with a notice terminating his interest in the land on the expiry of 3 months from the date of the service of the notice; and
 - (b) on the owner of any such land a copy of the scheme together with a notice requiring him to enter into an undertaking that he will, on the date on which the scheme is put into effect, let the land in accordance with the provisions of the scheme ^{F10}, and shall send a copy of each notice served by them under this subsection to the Scottish Ministers] .
- (9) Where the interest in any land of the occupier of that land is terminated in pursuance of subsection (8)(a) above, the Secretary of State shall be deemed to be authorised to purchase the said interest compulsorily and to have served notice to treat in respect thereof on the date on which the interest is terminated as aforesaid.
- (10) Where—
- (a) the owner of any land fails within 2 months from the date on which a notice is served on him under paragraph (b) of subsection (8) above to enter into such an undertaking as is mentioned in that paragraph or, having entered into such an undertaking, fails to let the land in accordance with the provisions of the scheme on the date on which the scheme is put into effect; or
 - (b) the owner of any land to which any provision contained in a reorganisation scheme applies gives to the Secretary of State, within 2 months from the date on which notice ^{F11}is served on him under subsection (6) above] , notice requiring the Secretary of State to purchase the land;
- the Secretary of State shall be deemed to be authorised to purchase the said land compulsorily and to have served notice to treat in respect thereof immediately before the date on which the scheme is put into effect.
- Any purchase of land under this subsection shall be deemed to be completed immediately before the date on which the scheme is put into effect, and the Secretary of State shall, as the landlord of such land, be liable to pay or, as the case may be, entitled to receive any such sum as is mentioned in subsection (3)(a) or (b) above which becomes payable on the said date and any sum payable on that date under section 34(1) of this Act by way of compensation for deterioration of, or damage to, fixed equipment on the land.
- (11) This section and section 38 of this Act shall, unless the context otherwise requires, apply in relation to a group of neighbouring townships as they apply in relation to a township.

Textual Amendments

- F1** S. 39(1)(1A) substituted for s. 39(1) (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 20(4)(a)**, 43(3) (with **ss. 40, 43(2)**); S.S.I. 2007/269, art. 2, sch.
- F2** Words in s. 39(1A) inserted (30.11.2013) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), s. 57(2), **sch. 4 para. 3(23)(a)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(c)
- F3** Words in s. 39(2) inserted (30.11.2013) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), s. 57(2), **sch. 4 para. 3(23)(b)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(c)
- F4** S. 39(2A)(2B) inserted (30.11.2013) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), s. 57(2), **sch. 4 para. 3(23)(c)** (with s. 57(4)); S.S.I. 2012/288, art. 3(1)(c) (with sch. 2 para. 18)
- F5** Word in s. 39(3) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), **ss. 20(4)(b)**, 43(3) (with **ss. 40, 43(2)**); S.S.I. 2007/269, art. 2, sch.

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- F6** S. 39(4) 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.
- F7** S. 39(5A) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 20(4)(c)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F8** Words in s. 39(7) repealed (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 20(4)(d)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F9** Words in s. 39(8) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 20(4)(e)(i)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F10** Words in s. 39(8) inserted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 20(4)(e)(ii)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.
- F11** Words in s. 39(10)(b) substituted (25.6.2007) by Crofting Reform etc. Act 2007 (asp 7), **ss. 20(4)(f)**, 43(3) (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, sch.

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