



# Crofters (Scotland) Act 1955

## 1955 CHAPTER 21

### *Miscellaneous and General Provisions*

#### **29 Service of notices**

- (1) Any notice for the purposes of this Act shall be in writing, and any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him or left at his proper address or sent to him by post.
- (2) Where any notice or other document is to be given to or served on a person as being the person having any interest in land and it is not practicable after reasonable inquiry to ascertain his name or address, the notice or document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it) and delivering the notice or document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

#### **30 Provisions as to entry and inspection**

- (1) Any person authorised by the Secretary of State or the Commission in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred on the Secretary of State or the Commission by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.
- (2) Any person authorised as aforesaid who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.
- (3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid unless in the case of land being used for residential purposes seven days, or in the case of any other land twenty-four hours, notice of the intended entry has been given to the occupier of the land.

- (4) Any person who obstructs any person authorised by the Secretary of State or the Commission exercising any such power as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

### **31 Building grants and loans to owner-occupiers of like economic status as crofters**

- (1) The Secretary of State shall have the like powers to provide assistance by way of loan, grant and the supply of building or other materials for the erection, improvement or rebuilding of buildings other than dwelling-houses for owners of holdings to which this section applies as he has to provide assistance for the erection, improvement or rebuilding of such buildings for crofters ; and subsections (2), (4) and (5) of section twenty-two of this Act shall apply accordingly.
- (2) This section applies to any holding which—
- (a) is situate in the crofting counties ; and
  - (b) is either a holding of which the area does not exceed fifty acres or a holding of which the annual value does not exceed fifty pounds ; and
  - (c) is owned by a person who in the opinion of the Secretary of State is of substantially the same economic status as a crofter ; and
  - (d) is occupied by the owner thereof.
- (3) The provisions of the Third Schedule to this Act shall apply in relation to any loan made to the owner of a holding under this section.

### **32 Provisions as to compulsory purchase of land and as to management of land**

- (1) Where by virtue of any provision of this Act the Secretary of State is deemed to be authorised to purchase land compulsorily, then in relation to any such compulsory purchase the Lands Clauses Acts and other enactments mentioned in Part I of the Second Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall be incorporated in accordance with the provisions of the said Part I as if the Secretary of State had been authorised under section one of that Act to purchase the land compulsorily; and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall have effect in relation to any such compulsory purchase subject to the provisions of Part II of that Schedule, of the proviso to subsection (8) of section sixteen of this Act and of the next following subsection.
- (2) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of subsection (8) of section sixteen of this Act or of subsection (10) of section twenty thereof.
- (3) The Secretary of State may manage, farm, sell, let or otherwise deal with or dispose of land acquired by him under this Act in such manner as appears to him expedient for the purpose for which it was acquired.

### **33 Provisions as to representations**

- (1) Any enactment in this Act providing, in relation to the taking of any action by the Secretary of State, for his taking the action after affording to a person an opportunity

of making representations to the Secretary of State shall be construed as a provision that the Secretary of State shall comply with the following requirements.

- (2) The Secretary of State shall give notice to the said person specifying the matter under consideration and informing him of the effect of the next following subsection.
- (3) A person to whom notice is given as aforesaid may within the time specified in the notice make representations to the Secretary of State in writing, and, whether or not representations are made to the Secretary of State in writing, may within the time so specified require that an opportunity be afforded to him of being heard by a person appointed by the Secretary of State for the purpose; and, if he so requires, such an opportunity shall be afforded to him and, on the same occasion, to any other person to whom under the enactment referred to in subsection (1) of this section the Secretary of State is required to afford such an opportunity, and the Secretary of State shall not take action in relation to the matter until he has considered any representations made as aforesaid.
- (4) Where any enactment in this Act provides in relation to the taking of any action by the Commission for their taking the action after affording to a person an opportunity of making representations to them, the provisions of this section shall have effect in relation thereto with the substitution for references to the Secretary of State of references to the Commission.

#### **34 Determination of disputes, etc.**

- (1) The provisions of the Landholders Acts with regard to the Land Court shall, with any necessary modifications, apply for the determination of any matter which they are required by or under this Act to determine, in like manner as those provisions apply for the determination by the Land Court of matters referred to them under those Acts.
- (2) The Commission may, whether on the application of any person having an interest or otherwise, and shall, if so directed by the sheriff, state a case for the opinion of the sheriff on any question of law arising in the course of the determination of any matter which under this Act they are required to determine or in connection with the exercise by them of any function conferred on them by this Act; and the decision of the sheriff thereon shall be final and conclusive.

#### **35 Financial provisions**

- (1) The expenses of the Commission shall be defrayed by the Secretary of State.
- (2) All expenses incurred by the Secretary of State under the provisions of this Act shall be defrayed out of moneys provided by Parliament.
- (3) All sums received by the Secretary of State under the provisions of this Act shall be paid into the Exchequer.

#### **36 Regulations**

Any regulations made by the Secretary of State under this Act shall be embodied in a statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### 37 Interpretation

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them—

" the Act of 1886 " means the Crofters Holdings (Scotland) Act, 1886;

" the Act of 1911 " means the Small Landholders (Scotland) Act, 1911;

" croft " and " crofter " have the meanings assigned to them respectively by section three of this Act;

" the Crofters Holdings Book " has the meaning assigned to it by section thirty-nine of this Act;

" crofting counties " means the counties of Argyll, Caithness, Inverness, Orkney, Ross and Cromarty, Sutherland and Zetland;

" fixed equipment " has the like meaning as in the Agricultural Holdings (Scotland) Act, 1949;

" functions " includes powers and duties ;

" Land Court " means the Scottish Land Court;

" the Landholders Acts " means the Small Landholders (Scotland) Acts, 1886 to 1931 ;

" landlord " means any person for the time being entitled to receive the rents and profits, or to take possession, of a croft;

" permanent improvement " means any of the improvements specified in the Fifth Schedule to this Act;

" prescribed " means prescribed by regulations made by the Secretary of State;

" predecessors in the tenancy " means in relation to a crofter the persons who before him have been tenants of the croft since it was last vacant;

" statutory successor " means any person who under this Act has succeeded or may succeed to a croft whether as heir-at-law, legatee or assignee of his immediate predecessor being a crofter in occupation of the croft;

" Whitsunday " and " Martinmas " mean respectively the twenty-eighth day of May and the twenty-eighth day of November.

(2) For the purposes of this Act a crofter shall be deemed to be ordinarily resident in a township if he is ordinarily resident within two miles of a croft which is comprised in the township and of which he is tenant.

(3) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

### 38 Application of Act and modification of enactments in relation to the crofting counties

(1) This Act shall apply to land an interest in which belongs to Her Majesty in right of the Crown and land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department; but in its application to any land an interest in which belongs or is held as aforesaid this Act shall have effect subject to such modifications as may be prescribed.

(2) Subject to the provisions of the two next following subsections, references in any enactment (other than this Act) or in any instrument to a landholder or statutory

small tenant and to a holding within the meaning of the Landholders Acts and to the Landholders Acts shall, unless the context otherwise requires, be construed in the application of that enactment to the crofting counties respectively as references to a crofter and to a croft within the meaning of this Act, and as including a reference to this Act.

- (3) The enactments specified in Part I of the Sixth Schedule to this Act shall cease to apply to the crofting counties to the extent specified in the second column of the said Part I.
- (4) The enactments specified in Part II of the Sixth Schedule to this Act shall in their application to the crofting counties have effect subject to the modifications specified in the second column of the said Part II.

### **39 Transitional provisions and savings**

- (1) The tenancy of a crofter under this Act shall, in the case of every person who at the commencement of this Act became a crofter, be deemed, so far as is consistent with the provisions of this Act, to be a continuance of his tenancy as a landholder or a statutory small tenant, and all contracts and other instruments shall be read and construed accordingly.
- (2) The book (heretofore called the " Landholders Holdings Book ") kept in pursuance of section twenty-seven of the Act of 1886, shall in the crofting counties be called the "Crofters Holdings Book ".
- (3) Where the rent payable for a croft which was immediately before the commencement of this Act a holding to which the provisions of the Landholders Acts relating to statutory small tenants applied was last fixed by the Land Court before the commencement of this Act, it may, notwithstanding anything in the proviso to subsection (3) of section five of this Act, be altered by the Land Court at any time after the commencement of this Act.
- (4) Notwithstanding anything in this Act, the right of any person to succeed to the tenancy of a holding, whether by virtue of a bequest made by the tenant thereof or by virtue of the right to the tenancy having devolved upon the heir-at-law of the tenant, shall, if the tenant died before the commencement of this Act, be determined as if this Act had not passed.
- (5) Save as expressly provided in this Act, nothing in this Act shall affect any order, rule, regulation, record, application, reference, appointment, loan, agreement, finding or award made, approval, consent or direction given, decree or instrument granted, proceeding taken, notice served or given, condition imposed, rent or amount of compensation fixed, or thing done in the crofting counties or in relation to land therein, under any enactment relating to landholders, statutory small tenants or cottars which by virtue of this Act has ceased to apply to the crofting counties or to any land therein, but any such order, rule, regulation, record, application, reference, appointment, loan, agreement, finding, award, approval, consent, direction, decree, instrument, proceeding, notice, condition, rent or amount of compensation or thing which is in force at the commencement of this Act shall continue in force and, so far as it could have been made, given, granted, taken, served, imposed, fixed or done under the corresponding provision of this Act, shall have effect as if it had been made, given, granted, taken, served, imposed, fixed or done under that corresponding provision.

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

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#### **40 Citation and commencement**

- (1) This Act may be cited as the Crofters (Scotland) Act, 1955.
- (2) This Act shall come into operation on such date as Her Majesty may by Order in Council appoint; and an Order under this subsection may appoint different dates in relation to different provisions of this Act.