



Crofters (Scotland) Act 1955 (repealed 5.1.1994)

1955 CHAPTER 21 3 and 4 Eliz 2

Crofting Tenure

3 Definition of “croft” and “crofter”, and conditions of tenure of crofter.

(1) In this Act the expression “croft” means—

- (a) as from the commencement of this Act, every holding (whether occupied by a landholder or not) situate in the crofting counties which was, immediately before the commencement of this Act, a holding to which any of the provisions of the Landholders Acts relating to landholders applied;
- (b) as from the commencement of this Act, every holding situate as aforesaid 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;
- (c) as from the date of registration, every holding situate as aforesaid which [^{F1}was before the commencement of the ^{M1}Crofters (Scotland) Act 1961,] constituted a croft by the registration of the tenant thereof as a crofter under section four of this Act.

[^{F2}(d) as from the date of the direction, every holding situated as aforesaid as to which the Secretary of State has directed under subsection (1) of section two of the ^{M2}Crofters (Scotland) Act 1961, that it shall be a croft.]

(2) In this Act the expression “crofter” means the tenant of a croft.

(3) A crofter shall not be subject to be removed from the croft of which he is tenant except—

- (a) where one year’s rent of the croft is unpaid;
- (b) in consequence of the breach of one or more of the conditions set out in the Second Schedule to this Act (in this Act referred to as “the statutory conditions”), other than the condition as to payment of rent; or
- (c) in pursuance of any enactment, including any enactment contained in this Act.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1955 (repealed 5.1.1994), Section 3. (See end of Document for details)

(4) Any contract or agreement made by a crofter by virtue of which he is deprived of any right conferred on him by any provision of this Act shall to that extent be void unless the contract or agreement is approved by the Land Court.

[^{F3}(5) For the purposes of this Act, the ^{M3}Crofters (Scotland) Act 1961 and the ^{M4}Crofting Reform (Scotland) Act 1976, any right in pasture or grazing land held or to be held by the tenant of a croft, whether alone or in common with others, and any land comprising any part of a common grazing which has been apportioned for the exclusive use of a crofter under section 27(4) of this Act and any land held runrig which has been apportioned under section 27(7) of this Act, shall be deemed to form part of the croft.

(6) For the purposes of the aforesaid Acts, where—

- (a) a crofter has acquired his entire croft other than any such right or land as is referred to in subsection (5) above, or
- (b) any person, not being a crofter, has obtained an apportionment of any land under the said section 27,

then the person referred to in paragraph (a) or (b) above shall be deemed to hold the right or land referred to therein in tenancy until held otherwise and that right or land shall be deemed to be a croft.]

Textual Amendments

- F1** Words substituted by [Crofters \(Scotland\) Act 1961 \(c. 58\), Sch. 1 Pt. II para. 9](#)
- F2** [Para. 3\(1\)\(d\)](#) added by [Crofters \(Scotland\) Act 1961 \(c. 58\), Sch. 1 Pt. II para. 9](#)
- F3** [S. 3\(5\)\(6\)](#) substituted for s. 3(5) by [Crofting Reform \(Scotland\) Act 1976 \(c 21\), s. 14](#)

Modifications etc. (not altering text)

- C1** [S. 3](#) amended by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 19\(7\)](#)

Marginal Citations

- M1** [1961 c. 58.](#)
- M2** [1961 c. 58.](#)
- M3** [1961 c. 58.](#)
- M4** [1976 c. 21.](#)

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