



Crofters Holdings (Scotland) Act 1886

1886 CHAPTER 29 49 and 50 Vict

PART I

SECURITY OF TENURE

1 A crofter shall not be removed except for breach of statutory conditions.

A crofter shall not be removed from the holding of which he is tenant except in consequence of the breach of one or more of the conditions following (in this Act referred to as statutory conditions), but he shall have no power to assign his tenancy.

- (1) The crofter shall pay his rent at the terms at which it is due and payable:
- (2) The crofter shall not execute any deed purporting to assign his tenancy:
- (3) The crofter shall not, to the prejudice of the interest of the landlord, persistently injure the holding by the dilapidation of buildings or, after notice has been given by the landlord to the crofter not to commit, or to desist from, the particular injury specified in such notice, by the deterioration of the soil:
- (4) The crofter shall not, without the consent to his landlord in writing, [^{F1}sublet his holding] or any part thereof, or erect or suffer to be erected thereon any dwelling-house otherwise than in substitution for those already upon the holding at the time of the passing of this Act:
- (5) The crofter shall not persistently 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 holding, and which the Crofters Commission shall find to be reasonable:
- (6) The crofter shall not do any act whereby he becomes notour bankrupt within the meaning of the ^{M1}Bankruptcy (Scotland) Act, 1856, and the ^{M2}Debtors (Scotland) Act, 1880, and shall not execute a trust deed for behoof of creditors:
- (7) The landlord, or any person or persons authorised by him in that behalf (he or they making reasonable compensation for any damage to be done or occasioned thereby),

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shall have the right to enter upon the holding for any of the purposes following (that is to say):

Mining or taking minerals, or digging or searching for minerals;

Quarrying or taking stone, marble, gravel, sand, clay, slate, or other workable mineral;

Cutting or taking timber or peats, excepting timber and other trees planted by the crofter or his predecessors in the holding, being of the same family, or that may be necessary for ornament or shelter, and excepting also such peats as may be required for the use of the holding;

Opening or making roads, fences, drains, and water-courses;

Passing and re-passing to and from the shore of the sea or any loch with or without horses and carriages for exercising any right of property or other right belonging to the landlord;

Viewing or examining at reasonable times the state of the holding and all buildings or improvements thereon;

Hunting, shooting, fishing, or taking game or fish, wild birds, or vermin. The word “game” for the purposes of this subsection means deer, hares, rabbits, pheasants, partridges, quails, landrails, grouse, blackgame, capercaillie, ptarmigan, woodcock, snipe, wild duck, widgeon, and teal;

And the crofter shall not obstruct the landlord, or any person or persons authorised by him in that behalf as aforesaid, in the exercise of any right reserved or conferred by this subsection.

- (8) The crofter shall not on his holding, without the consent of his landlord, open any house for the sale of intoxicating liquors.

Textual Amendments

- F1** Words in s. 1(4) substituted (25.6.2007) by [Crofting Reform etc. Act 2007 \(asp 7\)](#), s. 43(3), **Sch. 1 para. 1** (with ss. 40, 43(2)); S.S.I. 2007/269, art. 2, Sch.

Modifications etc. (not altering text)

- C1** S. 1 amended by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), s. **10(1)**; restricted by [Crofters \(Scotland\) Act 1955 \(3 & 4 Eliz. 2 c. 21\)](#), s. 38(3), **Sch. 6 Pt. I**
- C2** S. 1(4)(7) amended by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), s. 10(2)(3)

Marginal Citations

- M1** 1856 c. 79.
- M2** 1880 c. 34.

2 Provision for resumption by landlord.

Notwithstanding the provisions contained in the preceding section, the Crofters Commission may, on the application of the landlord, and upon being satisfied that he desires to resume the holding or part thereof, for some reasonable purpose, having relation to the good of the holding or of the estate, including the using, letting, or feuing the land proposed to be resumed, for the building of dwellings, or for small allotments . . . ^{F2} or for harbours, piers, boat shelters, or other buildings . . . ^{F2} or for churches or other places of religious worship, or for schools, or for planting, or for roads practicable for carriages from the croft or crofts to the high road or the sea shore, authorise the resumption thereof by the landlord upon such terms and conditions as

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the Crofters Commission shall think fit, and may require the crofter to surrender his holding, in whole or in such part, to the landlord, upon the landlord making adequate compensation to the crofter, either by letting to him other land of equivalent value in the neighbourhood, or by reduction of rent, or by compensation in money, or otherwise as the Crofters Commission shall determine.

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Textual Amendments

F2 Words repealed by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), **Sch. 2**

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Modifications etc. (not altering text)

C3 S. 2 restricted by [Small Landholders and Agricultural Holdings \(Scotland\) Act 1931 \(c. 44\)](#), **s. 8(1)** and [Crofters \(Scotland\) Act 1955 \(3 & 4 Eliz. 2, c. 21\)](#), s. 38(3), **Sch. 6 Pt. I**

C4 S. 2 excluded by [Land Compensation \(Scotland\) Act 1973 \(c. 56, SIF 29:2\)](#), **s. 45(2)(3)(6)**

3 **F3**

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Textual Amendments

F3 S. 3 repealed by [Small Landholders and Agricultural Holdings \(Scotland\) Act 1931 \(c. 44\)](#), **s. 3(2)**

4 **F4**

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Textual Amendments

F4 Ss. 4, 13(1)(2)(3)(a)–(d)(4)(5), 17, 22, 23, 28 repealed by [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#), **Sch. 2**

Changes to legislation:

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