



Crofters (Scotland) Act 1993

1993 CHAPTER 44

Rights of crofters and cottars to acquire their subjects

16 Provisions relating to conveyance.

- (1) A landlord shall have power to execute a valid conveyance in pursuance of sections 12 to 15 of this Act, notwithstanding that he may be under any such disability as is mentioned in section 7 of the ^{M1}Lands Clauses Consolidation (Scotland) Act 1845.
- (2) Where the Land Court is satisfied, on the application of the crofter or cottar or his nominee that the landlord has failed to execute a conveyance of land in favour of such person in compliance with an order under section 13(1) or 15(1) of this Act within such time as the Land Court considers reasonable, it shall make an order authorising its principal clerk to execute the conveyance and such other deeds as adjusted at his sight as may be necessary to give effect to the order; and a conveyance executed by the principal clerk under this subsection shall have the like force and effect in all respects as if it had been executed by the landlord.
- (3) Where the principal clerk of the Land Court has executed a conveyance in pursuance of subsection (2) above, the Land Court may make such order as it thinks fit with regard to the payment of the consideration in respect of the conveyance and in particular providing for the distribution of the sum comprised in the consideration according to the respective ^{F1}... interests of persons making claim to such sum.
- (4) Notwithstanding that the Land Court has made an order under section 13(1) or 15(1) of this Act determining the terms and conditions on which land is to be conveyed, the crofter or, as the case may be, the cottar and the landlord may arrange for the conveyance of the land on any other terms and conditions that they may agree.
- (5) Where a person other than the landlord [^{F2}has a completed title to] the subjects to be conveyed, the second references in sections 12(2) and 13(1) of this Act and the reference in the said section 15(1) and in the foregoing provisions of this section to the landlord shall be construed as references to the landlord and such other person for their respective rights.

Changes to legislation: There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 16. (See end of Document for details)

- (6) The Land Court in specifying in an order under the said section 13(1) or 15(1) the terms and conditions on which land is to be conveyed shall have regard to any existing [^{F3}title conditions, within the meaning given by section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9),] relating to such land.

^{F4}(7)

- (8) Where the Land Court is satisfied, on the application of the landlord, that the crofter or his nominee has failed to execute a standard security in favour of the landlord in compliance with a condition imposed by the Land Court under section 13(4) of this Act within such time as the Land Court considers reasonable, it shall make an order authorising its principal clerk to execute the standard security; and a standard security executed by the principal clerk under this subsection shall have the like force and effect in all respects as if it had been executed by the crofter or his nominee.

Textual Amendments

- F1** Words in s. 16(3) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), [sch. 12 para. 55\(2\)\(a\)](#), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F2** Words in s. 16(5) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), [sch. 12 para. 55\(2\)\(b\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F3** Words in s. 16(6) substituted (28.11.2004) by [Title Conditions \(Scotland\) Act 2003](#) (asp 9), ss. 122(1), 129(2), [sch. 14 para. 11](#) (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)
- F4** S. 16(7) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), [sch. 12 para. 55\(2\)\(c\)](#), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
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Marginal Citations

- M1** 1845 c. 19.

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There are currently no known outstanding effects for the Crofters (Scotland) Act 1993, Section 16.