



# Crofters (Scotland) Act 1993

## 1993 CHAPTER 44

### *Compensation for improvements and for deterioration or damage*

#### **32 Assessment of compensation for improvements**

- (1) The amount of any compensation payable under section 30(1) of this Act to a crofter who renounces his tenancy or is removed from his croft, or to the executor of a deceased crofter, in respect of a permanent improvement on the croft shall be a sum equal to—
  - (a) the value of that improvement as at the date when—
    - (i) the crofter renounced his tenancy, or
    - (ii) the crofter was removed from the croft, or
    - (iii) the tenancy of the croft was terminated in pursuance of section 16(3) of the 1964 Act,as the case may be, calculated in accordance with subsection (2) below, less
  - (b) the value of any assistance or consideration which may be proved to have been given by the landlord of the croft or any of his predecessors in title in respect of the improvement.
- (2) For the purposes of subsection (1) above, the value of an improvement on any croft shall be taken to be the amount, if any, which, having regard to the location of the croft and any other circumstances which might affect the demand for the tenancy thereof, the landlord might reasonably be expected to receive in respect of the improvement from a person who might reasonably be expected to obtain the tenancy of the croft if the croft were offered on the open market for letting with entry on the date referred to in subsection (1)(a) above.
- (3) Where—
  - (a) compensation falls to be assessed under subsections (1) and (2) above in respect of any permanent improvement on a croft; and
  - (b) the amount of such compensation is fixed or assessed by the Land Court under section 30(4) or 39(3)(a) of this Act,then, if the crofter, or (as the case may be) the executor of the deceased crofter, is qualified as mentioned in subsection (4) below, he may request the Land Court to

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*Status: This is the original version (as it was originally enacted).*

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determine the amount which would have been payable by way of compensation in respect of that improvement if the Crofters (Scotland) Act 1961 had not been passed; and if the amount last mentioned is greater than the amount fixed or assessed by the Land Court as aforesaid, the difference between the two said amounts shall be payable to the crofter or executor by the Secretary of State:

Provided that—

- (a) the Secretary of State shall be entitled to set off any amount due to him by the crofter or, as the case may be, the executor of the deceased crofter in respect of a loan made under section 22(2) or (3) of the 1955 Act, section 42(4) or (5) of this Act or section 7(7) or section 9 of the Small Landholders (Scotland) Act 1911 against any sum payable to the crofter or executor by the Secretary of State under this subsection; and
  - (b) this subsection shall not apply where compensation in respect of the improvement in question has on a previous occasion fallen to be assessed under subsections (1) and (2) above.
- (4) The reference in subsection (3) above to a crofter who is qualified is a reference to a crofter—
- (a) whose tenancy of the croft in question began before 27th August 1961, or
  - (b) who holds the tenancy of such croft as statutory successor to his immediate predecessor in the tenancy and each of whose predecessors (being in each case a person whose tenancy of the croft began on or after 27th August 1961) held such tenancy as statutory successor to his immediate predecessor,

and for the purposes of the said subsection the executor of a deceased crofter shall be deemed to be qualified if the deceased crofter would have been qualified as mentioned in the foregoing provisions of this subsection.