STATUTORY INSTRUMENTS

1965 No.2153 (S.124)

CROFTERS, COTTARS AND SMALL LANDHOLDERS, SCOTLAND

The Crofters etc. Building Grants (Withdrawal of Conditions) (Scotland) Regulations 1965

Made - - -	*14th December* 1965
Laid before Parliament	*3rd January* 1966
Coming into Operation	*4th January* 1966

In exercise of the powers conferred on me by section 14(2) of the Crofters (Scotland) Act 1961(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, Commencement and Interpretation

1. These regulations may be cited as the Crofters etc. Building Grants (Withdrawal of Conditions) (Scotland) Regulations 1965, and shall come into operation on 4th January 1966.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

" the Act of 1948 " means the Agriculture (Scotland) Act 1948(b);

" the Act of 1955 " means the Crofters (Scotland) Act 1955(c);

" the Act of 1961 " means the Crofters (Scotland) Act 1961;

" cottar " has the meaning assigned to it by section 28(4) of the Act of 1955;

" croft " and " crofter " have the meanings assigned to them respectively by section 3 of the Act of 1955;

" grant " means a grant made by the Secretary of State under section 77(1) of the Act of 1948, section 22(2) of the Act of 1955 or the said section 22(2) as applied by section 28(3) of the Act of 1955, as the case may be;

" house " means a dwelling-house towards the erection or improvement or rebuilding of which grant has been made;

(2) References in these regulations to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

(3) The Interpretation Act 1889(d) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Withdrawal of Recorded Condition

3.—(1) Where any conditions apply to a house by virtue of—

(*a*) the Landholders and Cottars (Building Grant) (Scotland) Regulations 1949(e) as amended(f), or

(*b*) the Crofters etc. Building Grants (Scotland) Regulations 1956(g)

and the house falls within one of the descriptions specified in the next succeeding

(a) 9 & 10 Eliz. 2. c. 58.
(b) 11 & 12 Geo. 6. c. 45.
(c) 3 & 4 Eliz. 2. c. 21.
(d) 52 & 53 Vict. c. 63.
(e) S.I. 1949/946 (1949 I, p. 151).
(f) S.I. 1950/1304 (1950 I, p. 129).
(g) S.I. 1956/775 (1956 I, p. 566).

paragraph, the Secretary of State shall cause to be recorded in the General Register of Sasines a notice of withdrawal of the recorded conditions in the form set out in the Schedule to these regulations or any form to the like effect and such conditions, to the extent specified in paragraph (3) of this regulation, shall no longer apply to the house.

(2) The houses referred to in the last foregoing paragraph are—

(*a*) a house, a conveyance in feu of which has been granted under section 17 or section 18 of the Act of 1955 or under the said section 17 as applied by any scheme having effect under sections 8 and 9 of the Act of 1961; or

(*b*) a house which is situated on a croft owned by a person who has become the owner of the croft immediately upon ceasing to be the tenant thereof; or

(*c*) a house which is or forms part of subjects owned by a person who has become their owner immediately upon ceasing to occupy them as a cottar;

(3) In the circumstances mentioned in paragraph (1) of this regulation the conditions referred to in that paragraph shall not apply to the following extent:—

(*a*) in the case of a house falling under head (*a*) of paragraph (2) of this regulation, all the conditions;

(*b*) in the case of a house falling under heads (*b*) or (*c*) of the said paragraph (2), the conditions set out in—

(i) regulation 5(1)(*a*) and (*c*) of the said regulations of 1949, or

(ii) regulation 5(1) of the said regulations of 1956, as the case may be.

William Ross,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
14th December 1965.

SCHEDULE

FORM OF NOTICE OF WITHDRAWAL OF RECORDED CONDITIONS

THE CROFTERS (SCOTLAND) ACTS 1955 TO 1961

THE CROFTERS ETC. BUILDING GRANTS (WITHDRAWAL OF CONDITIONS) (SCOTLAND) REGULATIONS 1965

NOTICE OF WITHDRAWAL OF RECORDED CONDITIONS

County of .....

Parish of .....

WHEREAS the Secretary of State in exercise of his powers under [section 77 of the Agriculture (Scotland) Act 1948]* [section 22 of the Crofters (Scotland) Act 1955]*, and in accordance with the provisions of [the Landholders and Cottars (Building Grant) (Scotland) Regulations 1949, as amended]* [the Crofters etc. Building Grants (Scotland) Regulations 1956]* made a grant of
(1)
sterling towards the (2)
of the dwellinghouse on the subjects described in the Schedule hereto;
AND WHEREAS notice of payment of the said grant dated (3)
was recorded in the Division of the General Register of Sasines applicable to the County of
on (4)

AND WHEREAS the following circumstances apply in the case of the dwelling-house (5)

NOW THEREFORE in accordance with the provisions of the Crofters Building Grants (Withdrawal of Conditions) (Scotland) Regulations 1965 the Secretary of State hereby gives notice that the conditions of grant specified in the said notice of payment of grant shall not apply to the following extent, namely:— (6)

Given under the Seal of the Secretary of State for Scotland on
19 .

Department of Agriculture and Fisheries for Scotland,
St. Andrew's House,
Edinburgh.

*Delete as necessary.

SCHEDULE

Description of subjects, stating parish and county (7)	Name and designation of present landlord

(1) Insert amount of grant.
(2) Specify work done.
(3) Insert date of Notice of Payment of Grant.
(4) Insert date of recording of Notice of Payment of Grant.
(5) Narrate relevant circumstances in terms of regulation 3 (1) and (2) of the Crofters etc. Building Grants (Withdrawal of Conditions) (Scotland) Regulations 1965.
(6) Specify extent to which conditions are not to apply under regulation 3(3) of the said regulations of 1965.
(7) Repeat the description contained in the Schedule to the relevant recorded Notice of Payment of Grant.

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EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 77 of the Agriculture (Scotland) Act 1948, and section 22 of the Crofters (Scotland) Act 1955, empower the Secretary of State to provide assistance by way of grant towards the erection or improvement or rebuilding of dwellinghouses for crofters and cottars. The Landholders and Cottars (Building Grant) (Scotland) Regulations 1949, and the Crofters etc. Building Grants (Scotland) Regulations 1956 respectively prescribe that certain conditions shall be observed in respect to such dwellinghouses subject to a maximum period of forty years in the case of erection and rebuilding and twenty years in the case of improvement. These regulations made under section 14 (2) of the Crofters (Scotland) Act 1961 specify the circumstances in which and the extent to which such conditions shall no longer apply to such dwellinghouses.