
Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 56.

APPLICATION OF SECTION 56 TO STATUTORY SMALL TENANTS

PART I

Modification of section 56

Section 56 above shall apply to a statutory small tenant subject to the following modifications—

- (a) for any reference to a croft, crofter or section 12 of the ^{M1}Crofters (Scotland) Act 1955 there shall be substituted respectively a reference to a holding, statutory small tenant or section 32(15) of the ^{M2}Small Landholders (Scotland) Act 1911;
- (b) in subsection (1), for the words from “crofter” in paragraph (a) to “so required” in paragraph (b) there shall be substituted the words “statutory small tenant and resumption of the holding is authorised by an order of the Scottish Land Court under section 32(15) of the ^{M3}Small Landholders (Scotland) Act 1911; and (b) the resumption is so authorised”;
- (c) in subsection (2), for the words “crofter required by such an order to surrender his croft” there shall be substituted the words “statutory small tenant, resumption of whose holding is authorised by such an order”;
- (d) in subsections (2) and (3), for the words “croft is required to be surrendered”, wherever they occur, there shall be substituted the words “holding is authorised to be resumed”;
- (e) in subsection (2)(a), after the words “year, etc.)” there shall be inserted the words “and section 12 of the ^{M4}Agriculture (Miscellaneous Provisions) Act 1968” and for the words “the crofter had not been so required to surrender his croft” there shall be substituted the words “resumption of the holding had not been so authorised”;
- (f) for subsection (2)(b) there shall be substituted the following paragraph—
 - “(b) any provision of the said section 32(15) relating to compensation to a statutory small tenant shall not have effect in relation to the resumption of the holding by reason of the order.”;
- (g) in subsection (5), for the words “to surrender”, wherever they occur, there shall be substituted the words “authorising resumption of”.

Marginal Citations

- M1** 1955 c. 21.
M2 1911 c. 49.
M3 1911 c. 49.
M4 1968 c. 34.

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- M1** 1955 c. 21.
- M2** 1911 c. 49.
- M3** 1911 c. 49.
- M4** 1968 c. 34.

PART II

Section 56 as modified, in its application to statutory small tenants

Resumption of holding of statutory small tenant: right to opt for notice of entry compensation.

- (1) This section has effect where—
 - (a) the person in occupation of an agricultural holding is a statutory small tenant and resumption of the holding is authorised by an order of the Scottish Land Court under section 32(15) of the ^{M5}Small Landholders (Scotland) Act 1911; and
 - (b) the resumption is so authorised—
 - (i) after an acquiring authority have served notice to treat on the landlord of the holding or, being an authority possessing compulsory purchase powers, have agreed to acquire his interest in the holding; and
 - (ii) where the Court have been satisfied under the said section 32(15) that the landlord desires to resume the holding for a reasonable purpose which is a purpose other than an agricultural purpose.
- (2) If the statutory small tenant, resumption of whose holding is authorised by such an order, elects that this subsection shall apply to the order and gives up possession of the holding to the acquiring authority on or before the date on which the holding is authorised to be resumed in accordance with the order—
 - (a) section 114 of the ^{M6}Lands Clauses Consolidation (Scotland) Act 1845 (compensation for tenants from year to year, etc.) and section 12 of the ^{M7}Agriculture (Miscellaneous Provisions) Act 1968 shall have effect as if resumption of the holding had not been so authorised and the acquiring authority had taken possession of the holding in pursuance of a notice of entry under paragraph 3 of Schedule 2 to the ^{M8}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 on the day before that on which the holding is authorised to be resumed in accordance with the order; and
 - (b) any provision of the said section 32(15) relating to compensation to a statutory small tenant shall not have effect in relation to the resumption of the holding by reason of the order.
- (3) No election under subsection (2) above shall be made or, if already made, continue to have effect in relation to any land to which such an order relates if, before the date on which the holding is authorised to be resumed in accordance with the order, an acquiring authority take possession of that land in pursuance of an enactment providing for the taking of possession of land compulsorily.

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- (4) Any election under subsection (2) above shall be made by notice in writing served on the acquiring authority not later than the date on which possession of the holding is given up.
- (5) This section shall have effect in relation to an order authorising resumption of part of a holding as it has effect in relation to an order authorising resumption of an entire holding and references to a holding shall be construed accordingly.
- (6) The reference in subsection (1)(b)(i) above to a notice to treat served by an acquiring authority includes a reference to a notice to treat deemed to have been so served under any of the provisions mentioned in section 49(5) above.

Marginal Citations

- M5** 1911 c. 49.
M6 1845 c. 19.
M7 1968 c. 34.
M8 1947 c. 42.

Marginal Citations

- M5** 1911 c. 49.
M6 1845 c. 19.
M7 1968 c. 34.
M8 1947 c. 42.

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