

*Status: Point in time view as at 01/04/2010.*

**Changes to legislation:** There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, SCHEDULE 11. (See end of Document for details)

## SCHEDULES

### SCHEDULE 11

Section 88.

#### CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

##### Extent Information

**E1** The provisions of Sch. 11 are co-extensive with the enactments they affect, see s. 89(3)

##### *Hill Farming Act 1946 (c. 73)*

- 1 In section 9, as substituted by the Seventh Schedule to the 1949 Act,—
- (a) in subsection (1), for “Agricultural Holdings (Scotland) Act 1949” substitute “ Agricultural Holdings (Scotland) Act 1991 ”, referred to in subsections (2) and (4) below as “the 1991 Act”;
  - (b) in subsections (2) and (4), for “the said Act of 1949” substitute “ the 1991 Act ”;
  - (c) in subsection (2)—
    - (i) for “Part I or Part II of the First Schedule” substitute “ Part I or II of Schedule 5 ”;
    - (ii) in paragraph (a), for “section fifty of that Act” substitute “ section 37 of the 1991 Act ”;
    - (iii) in paragraph (b), for “section fifty-one of that Act” substitute “ section 38 of the 1991 Act ”;
    - (iv) in paragraph (b), for “section fifty-two of that Act” substitute “ section 39 of the 1991 Act ”;
    - (v) for “the said section fifty or the said fifty-one” substitute “ section 37 or 38 of the 1991 Act ”;
  - (d) in subsection (3), for “section eight of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 15 of the 1991 Act ”.

##### *Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 2 In section 21—
- (a) in subsection (2) for “Subsection (1) of section twenty-five of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 22 of the Agricultural Holdings (Scotland) Act 1991 ”, and for “section twenty-six of that Act” substitute “ section 24 of that Act ”;
  - (b) in subsection (3) for “section twenty-five” in both places where it occurs substitute “ section 22 ”, and for “section twenty-six” substitute “ section 24 ”;
  - (c) in subsection (8) for “the said Act of 1949” substitute “ the Agricultural Holdings (Scotland) Act 1991 ”.

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3 In section 22(4)(a), for “subsection (1) of section twenty five of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 22(1) of the Agricultural Holdings (Scotland) Act 1991 ”.

4 In section 38(6)(a)(i), for “Agricultural Holdings (Scotland) Act 1949” substitute “ Agricultural Holdings (Scotland) Act 1991 ”.

*Crofters (Scotland) Act 1955 (c. 21)*

5 In section 14(10), for “Agricultural Holdings (Scotland) Act 1949” substitute “ Agricultural Holdings (Scotland) Act 1991 ”.

6 In section 37(1), in the definition of “fixed equipment”, for “Agricultural Holdings (Scotland) Act 1949” substitute “ Agricultural Holdings (Scotland) Act 1991 ”.

7 In Schedule 2, paragraph 10, for “section 15 of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 52 of the Agricultural Holdings (Scotland) Act 1991 ”.

*Agriculture (Safety, Health and Welfare Provisions) Act 1956 (c.49)*

8 In section 25(4), for the words from “the provisions” to “section eighteen” substitute “ section 5(2), (3) and (5) of the Agricultural Holdings (Scotland) Act 1991 (liabilities of landlord and tenant of agricultural holding regarding fixed equipment) and section 10 ”.

9 In section 25(5), for “section eight of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 15 of the Agricultural Holdings (Scotland) Act 1991 ”.

10 In section 25(10), in the definition of “agricultural holding”, “fixed equipment” and “landlord”, for “the Agricultural Holdings (Scotland) Act, 1949” substitute “ the Agricultural Holdings (Scotland) Act 1991 ”.

*Coal Mining (Subsidence) Act 1957 (c.59)*

11 In section 10(1)(a), for “Agricultural Holdings (Scotland) Act 1949” substitute “ Agricultural Holdings (Scotland) Act 1991 ”.

*Opencast Coal Act 1958 (c.69)*

12 In section 14A—

- (a) in subsection (3), for the words “Agricultural Holdings (Scotland) Act 1949 in this Act referred to as the Scottish Act of 1949” substitute “ the Scottish Act of 1991 ”;
- (b) in subsection (4), for “the Scottish Act of 1949” substitute “ the Scottish Act of 1991 ”;
- (c) in subsection (5), for “the Scottish Act of 1949” substitute “ the Scottish Act of 1991 ”;
- (d) in subsection (6)—
  - (i) for “section 25(2) of the Scottish Act of 1949” substitute “ section 22(2) of the Scottish Act of 1991 ”; and
  - (ii) for “(c)” substitute “ (b) ”;
- (e) in subsection (7), for the words from “For the purposes” to “paragraph (e) of subsection (1)” substitute “ The condition specified in section 24(1)(e)

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- of the Scottish Act of 1991 (consent of Land Court to notice to quit where land to be used for purposes other than agriculture) ”;
- (f) in subsection (8), for “section 7 of the Scottish Act of 1949” substitute “section 13 of the Scottish Act of 1991 ”;
- (g) in subsection (9), for “section 8 of the Scottish Act of 1949” substitute “section 15 of the Scottish Act of 1991 ”.
- 13 For section 24(10) substitute—
- “(10) In the application of this section to Scotland, for references—
- (a) to the Act of 1986 and to sections 70 and 83(4) of that Act there shall be substituted respectively references to the Scottish Act of 1991 and to sections 44 and 62(3) of that Act;
- (b) to subsections (1), (2) and (3) of section 69 of the Act of 1986 there shall be substituted respectively references to sections 34(5) and 35(4) and (5) of the Scottish Act of 1991 (as they apply to new improvements);
- (c) to Parts I and II of Schedule 7 to the Act of 1986 and to the first day of March 1948 there shall be substituted respectively references to Parts I and II of Schedule 5 to the Scottish Act of 1991 and to the first day of November 1948; and
- (d) to sub-paragraphs (1) and (2) of paragraph 5 of Part I of Schedule 9 to the 1986 Act there shall be substituted respectively references to sections 34(5) and 35(4) of the Scottish Act of 1991 (as they apply to old improvements).”.
- 14 For section 25(3) substitute—
- “(3) In the application of this section to Scotland, for paragraphs (a) and (b) of subsection (1) above there shall be substituted the words “under section 45 of the Scottish Act of 1991 (which relates to compensation for deterioration of a holding or part thereof for which a tenant is responsible).”.
- 15 In section 26(6) after “Scotland” insert “ (a) ” and for the words from “in subsection (3)” to the end substitute—
- “(b) in subsection (3) of this section for the reference to the Act of 1986 there shall be substituted a reference to the Scottish Act of 1991; and
- (c) in subsection (5) of this section there shall be substituted—
- (i) for the reference to section 91 of the Act of 1986 a reference to section 73 of the Scottish Act of 1991;
- (ii) for the reference to Schedule 8 to the Act of 1986 a reference to Part III of Schedule 5 to the Scottish Act of 1991;
- (iii) for the reference to Parts I, II and III of the Fourth Schedule to this Act a reference to Parts IV and V of that Schedule.”.
- 16 In section 27(4), for “section fourteen of the Scottish Act of 1949” substitute “section 18 of the Scottish Act of 1991 ”.
- 17 In section 28(6)—
- (a) for “to section sixty-five of the Scottish Act of 1949 and to paragraph (b) of subsection (1) of that section” substitute “ section 40 of the Scottish Act of 1991 and to subsection (4)(a) of that section ”;

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- (b) for “to subsection (1) of section sixty-six of the Scottish Act of 1949 and to section 14 of that Act” substitute “ to section 41(1) and to section 18 of the Scottish Act of 1991 ”;
- (c) for “to section seventy-nine of the Scottish Act of 1949 and to the Fourth Schedule to that Act” substitute “ to section 73 of the Scottish Act of 1991 and to Schedule 6 thereto ”.
- 18 In section 52(2)—
- (a) in the definition of “agricultural holding”, for “1949” substitute “ 1991 ”;
- (b) for the definition of “the Scottish Act of 1949” substitute “the Scottish Act of 1991” means the Agricultural Holdings (Scotland) Act 1991; ”.
- 19 In section 52(5)(a)—
- (a) for “the Scottish Act of 1949” where it first occurs substitute “ the Scottish Act of 1991 ”; and
- (b) for “sections fifty-seven and fifty-eight of the Scottish Act of 1949” substitute “ section 45 of the Scottish Act of 1991 ”.
- 20 In Schedule 6, paragraph 31, for “section 2(1) of the Scottish Act of 1949” substitute “ section 2 of the Scottish Act of 1991 ”.
- 21 For Schedule 7, paragraph 25(a) substitute—
- “ (a) for references—
- (i) to the Act of 1986 and to sections 12, 13, 23 and 84 of that Act there shall be substituted respectively references to the Scottish Act of 1991 and to sections 13, 15, 10 and 61 of that Act;
- (ii) to section 10 of the Act of 1986 and to subsections (3) and (4) of that section there shall be substituted respectively references to section 18 of the Scottish Act of 1991 and to subsections (2) and (3) of that section; and
- (iii) to subsection (3) of section 79 of the Act of 1986 there shall be substituted references to section 40(4)(a) of the Scottish Act of 1991.”.

*Horticulture Act 1960 (c. 22)*

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**Textual Amendments**

**F1** Sch. 11 para. 22 repealed (5.11.1993) by 1993 c. 50 s. 1(1), Sch. 1 Pt.II.

*Crofters (Scotland) Act 1961 (c. 58)*

- 23 In section 13(1), for “the Agricultural Holdings (Scotland) Act 1949” substitute “ the Agricultural Holdings (Scotland) Act 1991 ”.

*Succession (Scotland) Act 1964 (c. 41)*

- 24 In section 16—

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- (a) in subsections (2)(c) and (3)(b)(i), for “section 20 of the Act of 1949” substitute “ section 11 of the 1991 Act ”;
  - (b) in subsection (6)(b), for “section 27(2) of the Act of 1949” substitute “ section 23(2) and (3) of the 1991 Act ” and for “section 25(2)(f)” substitute “ section 22(2)(e) ”;
  - (c) in subsection (8), for “subsections (2) to (7) of section 20 of the Act of 1949” substitute “ section 11(2) to (8) of the 1991 Act ”;
  - (d) in subsection 9—
    - (i) in the definition of “agricultural lease”, for “the Act of 1949” substitute “ the 1991 Act ”;
    - (ii) for the definition of “the Act of 1949” substitute “the 1991 Act” means the Agricultural Holdings (Scotland) Act 1991; ”.
- 25 In section 29(2), for “section 20 of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 11 of the Agricultural Holdings (Scotland) Act 1991 ”.

*Agriculture Act 1967 (c. 22)*

- 26 In section 26(1), for “the Agricultural Holdings (Scotland) Act 1949” substitute “ the Agricultural Holdings (Scotland) Act 1991 ”.
- 27 In section 27(5B), for “the Agricultural Holdings (Scotland) Act 1949” substitute “ the Agricultural Holdings (Scotland) Act 1991 ”.
- 28 In section 28(1)(a), for “section 35 of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 43 of the Agricultural Holdings (Scotland) Act 1991 ”.
- 29 In section 29—
- (a) in subsection (3)(a), for “section 35 of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 43 of the Agricultural Holdings (Scotland) Act 1991 ”; and
  - (b) in subsection (4), for “section 25(1) of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 22(1) of the Agricultural Holdings (Scotland) Act 1991 ”.
- 30 In section 48(2)(a), for “section 35 of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 43 of the Agricultural Holdings (Scotland) Act 1991 ”.
- 31 In Schedule 3, paragraph 7(5)—
- (a) for “sections 75 and 77 of the Agricultural Holdings (Scotland) Act 1949” substitute “ sections 61 and 64 of the Agricultural Holdings (Scotland) Act 1991 ”; and
  - (b) for “sections 78 and 87(2)” substitute “ sections 60(2) and 80(2) ”.

*Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35)*

- 32 In Schedule 1 in paragraph 5(a), for “Agricultural Holdings (Scotland) Act 1949” substitute “ Agricultural Holdings (Scotland) Act 1991 ”.

*Land Compensation (Scotland) Act 1973 (c. 56)*

- 33 In section 31(3)(c) for “Agricultural Holdings (Scotland) Act 1949” substitute “ Agricultural Holdings (Scotland) Act 1991 ”.
- 34 In section 44—

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- (a) in subsection (2)(a)(i) for “section 25(2)(c) of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 22(2)(b) of the Agricultural Holdings (Scotland) Act 1991 ”;
  - (b) in subsection (2)(a)(ii)—
    - (i) for “section 26(1)(e)” substitute “ section 24(1)(e) ”; and
    - (ii) for “section 25(2)(c)” substitute “ section 22(2)(b) ”;
  - (c) in subsection (3)(a) for “sections 25(2)(c) and 26(1)(e)” substitute “ sections 22(2)(b) and 24(1)(e) ”;
  - (d) in subsection (4), for “section 12 of the Agricultural (Miscellaneous Provisions) Act 1968” substitute “ section 56 of the Agricultural Holdings (Scotland) Act 1991 ”.
- 35 In section 52—
- (a) in subsection (3)(d) for “Agricultural Holdings (Scotland) Act 1949” substitute “ Agricultural Holdings (Scotland) Act 1991 ”; and
  - (b) in subsection (4) for “section 59(1) of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 47(1) of the Agricultural Holdings (Scotland) Act 1991 ” and for “the said section 59(1)” substitute “ the said section 47(1) ”.
- 36 In section 55—
- (a) for subsection (1)(b) substitute—
    - “(b) either—
      - (i) section 22(1) of the Agricultural Holdings (Scotland) Act 1991 does not apply by virtue of subsection (2)(b) of that section; or
      - (ii) the Scottish Land Court have consented to the notice on the ground set out in section 24(1)(e) of that Act.”;
    - (b) in subsection (2)(a), for “section 12 of the Agriculture (Miscellaneous Provisions) Act 1968” substitute “ section 56 of the Agricultural Holdings (Scotland) Act 1991 ”;
    - (c) in subsection (2)(b) for “Agricultural Holdings (Scotland) Act 1949” substitute “ Agricultural Holdings (Scotland) Act 1991 ”, and for “sections 9 and 15(3) of the Agriculture (Miscellaneous Provisions) Act 1968” substitute “ sections 54 and 58(1) and (2) of that Act ”;
    - (d) in subsection (6) for “section 33 of the Agricultural Holdings (Scotland) Act 1949” substitute “ section 30 of the Agricultural Holdings (Scotland) Act 1991 ”.
- 37 In section 80(1), in the definitions of “agricultural holding” and “holding” for “Agricultural Holdings (Scotland) Act 1949” substitute “ Agricultural Holdings (Scotland) Act 1991 ”.

*Land Tenure Reform (Scotland) Act 1974 (c. 38)*

- 38 In section 8(5)(a), for “Agricultural Holdings (Scotland) Act 1949” substitute “ Agricultural Holdings (Scotland) Act 1991 ”.

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*Control of Pollution Act 1974 (c. 40)*

- 39 In section 31B(2)(a), for the words “an absolute owner (within the meaning of section 93 of the Agricultural Holdings (Scotland) Act 1949)” substitute “the owner of the dominium utile”.

*Matrimonial Homes (Family Protection)(Scotland) Act 1981 (c.59)*

- 40 In section 13(8), in the definition of “agricultural holding”, for “Agricultural Holdings (Scotland) Act 1949” substitute “Agricultural Holdings (Scotland) Act 1991”.

*Rent (Scotland) Act 1984 (c. 58)*

- 41 For section 25(1)(iii) substitute—  
“(iii) the Agricultural Holdings (Scotland) Act 1991”.

*Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)*

- 42 In section 7(2), in the definition of “agricultural holding”, for “section 1 of the Agricultural Holdings (Scotland) Act 1949” substitute “the Agricultural Holdings (Scotland) Act 1991”.

*Agriculture Act 1986 (c.49)*

- 43 In section 14(a) for “the Agricultural Holdings (Scotland) Act 1949” substitute “the 1991 Act”.

- 44 In section 16—  
(a) in subsection (2), for “section 7 of the 1949 Act” substitute “section 13 of the 1991 Act”; and  
(b) in subsection (7), for “section 86 of the 1949 Act” substitute “section 79 of the 1991 Act”.

- 45 In section 18(6) for the words from “the absolute owner” to “1949” substitute “the owner of the dominium utile”.

- 46 In section 19(4) for “the Crofters (Scotland) Act 1955” substitute “the 1955 Act”.

- 47 After section 23 insert—

“**23A** In this Act—  
“the 1886 Act” means the Crofters Holdings (Scotland) Act 1886;  
“the 1911 Act” means the Small Landholders (Scotland) Act 1911;  
“the 1955 Act” means the Crofters (Scotland) Act 1955; and  
“the 1991 Act” means the Agricultural Holdings (Scotland) Act 1991.”

- 48 In Schedule 2, paragraph 1(1)—  
(a) in the definition of “landlord”—  
(i) in sub-paragraph (a), for “the 1949 Act” substitute “the 1991 Act” and for “section 93(1)” substitute “section 85(1)”; and  
(ii) in sub-paragraph (c), for “the 1949 Act” substitute “the 1991 Act”;

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- (b) in the definition of “tenancy”, for “the 1949 Act” substitute “ the 1991 Act ”; and
  - (c) in the definition of “tenant”—
    - (i) in sub-paragraph (a), for “the 1949 Act” substitute “ the 1991 Act ” and for “section 93(1)” substitute “ section 85(1) ”; and
    - (ii) in sub-paragraph (c), for “the 1949 Act” substitute “ the 1991 Act ”.
- 49 In Schedule 2, paragraph 3(1)(b), for “section 20 of the 1949 Act” substitute “ section 11 of the 1991 Act ”.
- 50 In Schedule 2, paragraph 7—
- (a) in sub-paragraph (2), for “the 1949 Act” where it first occurs substitute “ the 1991 Act ” and for “section 7 of the 1949 Act” substitute “ section 13 of the 1991 Act ”; and
  - (b) in sub-paragraph (4)—
    - (i) in sub-paragraph (a)(i), for “section 93 of the 1949 Act” substitute “ section 85 of the 1991 Act ”;
    - (ii) in sub-paragraph (a)(iii), for “the 1949 Act” substitute “ the 1991 Act ” and
    - (iii) in sub-paragraph (b), for “section 93 of the 1949 Act” substitute “ section 85 of the 1991 Act ”.
- 51 In Schedule 2, paragraph 10(1)—
- (a) in sub-paragraph (a), for “the 1949 Act” substitute “ the 1991 Act ” and for “section 78” substitute “ section 60(2) ”; and
  - (b) for “section 75 (or, where the circumstances require, sections 77 and 87) of the 1949 Act” substitute “ section 60(1) (or, where the circumstances require, sections 64 and 80) of the 1991 Act ”.
- 52 In Schedule 2, paragraph 11—
- (a) in sub-paragraph (1)(a), for “the 1949 Act” substitute “ the 1991 Act ” and for “section 78” substitute “ section 60(2) ”;
  - (b) in sub-paragraph (4)—
    - (i) for “section 75 (or, where the circumstances require, sections 77 and 87) of the 1949 Act” substitute “ section 60(1) (or, where the circumstances require, sections 64 and 80) of the 1991 Act ”; and
    - (ii) for “paragraph 13 of the Sixth Schedule” substitute “ paragraph 14 of Schedule 7 ”; and
  - (c) in sub-paragraph (5), for “section 61 of the 1949 Act” substitute “ section 50 of the 1991 Act ”.
- 53 In Schedule 2, for paragraph 12 substitute— “ Sections 65 and 75(1), (2), (4) and (6) of the 1991 Act (recovery of sums due and power of tenant to obtain charge on holding) shall apply in relation to any sum payable to the tenant under this Schedule as they apply to sums payable under that section. ”

*Housing (Scotland) Act 1987 (c. 26)*



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### Textual Amendments

**F2** Sch. 11 para. 54 repealed (1.4.2010) by Housing (Scotland) Act 2006 (asp 1), s. 195(3), Sch. 7 (with s. 193); S.S.I. 2009/122, art. 3

55 In section 338(1), in the definition of “agricultural holding”, for “Agricultural Holdings (Scotland) Act 1949” substitute “Agricultural Holdings (Scotland) Act 1991”.

56 In Schedule 8, Part IV, paragraph 13—

(a) in sub-paragraph (1)—

(i) for “Section 8 of the Agricultural Holdings (Scotland) Act 1949” substitute “Section 15 of the Agricultural Holdings (Scotland) Act 1991”;

(ii) for “the said section 8” substitute “the said section 15”;

(b) in sub-paragraph (2)—

(i) for “paragraph 18 of Schedule 1 to the said Act of 1949” substitute “paragraph 18 of Schedule 5 to the Agricultural Holdings (Scotland) Act 1991”;

(ii) for “section 79” substitute “section 73”;

(iii) for “the said Schedule 1” substitute “the said Schedule 5”;

(iv) for “sections 51 and 52” substitute “sections 38 and 39”;

(v) for “section 49 of the said Act of 1949” substitute “section 36 of that Act”.

*Housing (Scotland) Act 1988 (c. 43)*

57 In Schedule 4 in paragraph 6(a), for “Agricultural Holdings (Scotland) Act 1949” substitute “Agricultural Holdings (Scotland) Act 1991”.

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