

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, SCHEDULE 9. (See end of Document for details)

SCHEDULES

SCHEDULE 9

Section 70.

VALUATION OF SHEEP STOCK IN SCOTLAND IN RESPECT OF OLD LEASES

PART I

VALUATION MADE IN RESPECT OF A TENANCY TERMINATING AT WHITSUNDAY

- 1 The Land Court or^{F1}, by virtue of section 61(1) of this Act,] the arbiter (in Part I and Part II of this Schedule referred to as “the valuer”) shall ascertain the number of, and the prices realised for, the ewes and the lambs sold off the hill from the stock under valuation at the autumn sales in each of the 3 preceding years, and shall determine by inspection the number of shotts present in the stock at that time of the valuation.

Textual Amendments

- F1** Words in Sch. 9 para. 1 inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 46\(a\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

- 2 The valuer shall calculate an average price per ewe, and an average price per lamb, for the ewes and lambs sold as aforesaid for each of the 3 preceding years. In calculating the average price for any year the valuer shall disregard such number of ewes and lambs so sold in that year, being the ewes or lambs sold at the lowest prices, as bears the same proportion to the total number of ewes or lambs so sold in that year as the number of shotts as determined bears to the total number of ewes or lambs in the stock under valuation.
- 3 The valuer shall then ascertain the mean of the average prices so calculated for the 3 preceding years for ewes and for lambs, respectively. The figures so ascertained or ascertained, in a case to which paragraph 4 below applies, in accordance with that paragraph, are in this Part of this Schedule referred to as the “3-year average price for ewes” and the “3-year average price for lambs”.
- 4 In the case of any sheep stock in which the number of ewes or the number of lambs sold off the hill at the autumn sales during the preceding 3 years has been less than half the total number of ewes or of lambs sold, the 3-year average price for ewes or the 3-year average price for lambs, as the case may be, shall,^{F2} where the valuer is the Land Court (and not an arbiter by virtue of section 61(1) of this Act), on the application of the parties,] in lieu of being ascertained by the valuer as aforesaid, be determined^{F3} ... by reference to the prices realised at such sales for ewes and for lambs respectively from similar stocks kept in the same district and under similar conditions.

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Textual Amendments

- F2** Words in Sch. 9 para. 4 inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 46\(b\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F3** Words in Sch. 9 para. 4 repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 46\(b\)\(ii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

5 The 3-year average price for ewes shall be subject to adjustment by the valuer within the limits of 20 per cent (in the case of leases entered into before 15th May 1963, 50 pence) upwards or downwards as he may think proper having regard to the general condition of the stock under valuation and to the profit which the purchaser may reasonably expect it to earn. The resultant figure shall be the basis of the valuation of the ewes, and is in this Part of this Schedule referred to as the “basic ewe value”.

The valuer shall similarly adjust the 3 year average price for lambs, and the resultant figure shall be the basis for the valuation of the lambs and is in this Part of this Schedule referred to as the “basic lamb value”.

6 In making his award the valuer shall value the respective classes of stock in accordance with the following rules, that is to say—

- (a) ewes of all ages (including gimmers) shall be valued at the basic ewe value with the addition of 30 per cent (in the case of leases entered into before 15th May 1963, 75 pence) of such value per head;
- (b) lambs shall be valued at the basic lamb value; so however that twin lambs shall be valued at such price as the valuer thinks proper;
- (c) ewe hoggs shall be valued at two-thirds of the combined basic values of a ewe and a lamb subject to adjustment by the valuer within the limits of 10 per cent (in the case of leases entered into before 15th May 1963, 25 pence) per head upwards or downwards as he may think proper, having regard to their quality and condition;
- (d) tups shall be valued at such price as in the opinion of the valuer represents their value on the farm having regard to acclimatisation or any other factor for which he thinks it proper to make allowance;
- (e) eild sheep shall be valued at the value put upon the ewes subject to such adjustment as the valuer may think proper having regard to their quality and condition; and
- (f) shotts shall be valued at such value not exceeding two-thirds of the value put upon good sheep of the like age and class on the farm as the valuer may think proper.

PART II

VALUATION MADE IN RESPECT OF A TENANCY TERMINATING AT MARTINMAS

7 The valuer shall ascertain the number of, and the prices realised for, the ewes sold off the hill from the stock under valuation at the autumn sales in the current year and in each of the 2 preceding years, and shall calculate an average price per ewe so sold for each of the said years. In calculating the average price for any year the valuer shall disregard one-tenth of the total number of ewes so sold in that year being the ewes sold at the lowest price.

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- 8 The mean of the average prices so calculated shall be subject to adjustment by the valuer within the limits of 10 per cent (in the case of leases entered into before 15th May 1963, 25 pence) upward or downwards as he may think proper having regard to the general condition of the stock under valuation and to the profit which the purchaser may reasonably expect it to earn. The resultant figure shall be the basis of the valuation of the ewes and is in this Part of this Schedule referred to as the “basic ewe value”.
- 9 In making his award the valuer shall assess the respective classes of stock in accordance with the following rules, that is to say—
- (a) ewes of all ages (including gimmers) shall be valued at the basic ewe value with the addition of 30 per cent (in the case of leases entered into before 15th May 1963, 75 pence) of such value per head;
 - (b) ewe lambs shall be valued at the basic ewe value subject to adjustment by the valuer within the limits of 10 per cent (in the case of leases entered into before 15th May 1963, 25 pence) per head upwards or downwards as he may think proper having regard to their quality and condition; and
 - (c) tups shall be valued at such price as in the opinion of the valuer represents their value on the farm having regard to acclimatisation or any other factor for which he thinks it proper to make allowance.

PART III

PARTICULARS TO BE SHOWN IN AN ARBITER’S AWARD

- 10 The 3-year average price for ewes and the 3-year average price for lambs ascertained under Part I, or the mean of the average prices calculated under Part II, of this Schedule, as the case may be.
- 11 Any amount added or taken away by way of adjustment for the purpose of fixing the basic ewe value or the basic lamb value, and the grounds on which such adjustment was made.
- 12 The number of each class of stock valued (ewes and gimmers of all ages with lambs being taken as one class, and eild ewes and eild gimmers being taken as separate classes at a Whitsunday valuation, and ewes and gimmers of all ages being taken as one class at a Martinmas valuation) and the value placed on each class.
- 13 Any amount added to or taken away by way of adjustment in fixing the value of ewe hogs at a Whitsunday valuation, or the value of ewe lambs at a Martinmas valuation, and the grounds on which such adjustment was made.

PART IV

INTERPRETATION

- 14 In this Schedule the expressions “ewe”, “gimmer”, “eild ewe”, “eild gimmer”, “lamb”, “ewe hogg”, “eild sheep” and “tup” shall be construed as meaning respectively sheep of the classes customarily known by those designations in the locality in which the flock under valuation is maintained.

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