

*Status: Point in time view as at 22/03/2011.*

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## SCHEDULES

### SCHEDULE 1

Section 4.

#### PROVISIONS REQUIRED IN LEASES

- 1 The names of the parties.
- 2 Particulars of the holding with sufficient description, by reference to a map or plan, of the fields and other parcels of land comprised therein to identify the extent of the holding.
- 3 The term or terms for which the holding or different parts thereof is or are agreed to be let.
- 4 The rent and the dates on which it is payable.
- 5 An undertaking by the landlord in the event of damage by fire to any building comprised in the holding to reinstate or replace the building if its reinstatement or replacement is required for the fulfilment of his responsibilities to manage the holding in accordance with the rules of good estate management, and (except where the interest of the landlord is held for the purposes of a government department or a person representing Her Majesty under section 79 of this Act is deemed to be the landlord, or where the landlord has made provision approved by the Secretary of State for defraying the cost of any such reinstatement or replacement) an undertaking by the landlord to insure to their full value all such buildings against damage by fire.
- 6 An undertaking by the tenant, in the event of the destruction by fire of harvested crops grown on the holding for consumption thereon, to return to the holding the full equivalent manorial value of the crops destroyed, in so far as the return thereof is required for the fulfilment of his responsibilities to farm in accordance with the rules of good husbandry, and (except where the interest of the tenant is held for the purposes of a government department or where the tenant has made provision approved by the Secretary of State in lieu of such insurance) an undertaking by the tenant to insure to their full value all dead stock on the holding and all such harvested crops against damage by fire.

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## SCHEDULE 2

Section 25.

### GROUNDS FOR CONSENT TO OPERATION OF NOTICES TO QUIT A TENANCY WHERE SECTION 25(3) APPLIES

#### PART I

#### GROUNDS FOR CONSENT TO OPERATION OF NOTICE TO QUIT A TENANCY LET BEFORE 1 JANUARY 1984

##### *Case 1*

The tenant has neither sufficient training in agriculture nor sufficient experience in the farming of land to enable him to farm the holding with reasonable efficiency.

##### *Case 2*

(a) The holding or any agricultural unit of which it forms part is not a <sup>F1</sup>viable unit];

#### **Textual Amendments**

**F1** Words in Sch. 2 Pts. I, II substituted (22.3.2011) by [The Public Services Reform \(Agricultural Holdings\) \(Scotland\) Order 2011 \(S.S.I. 2011/232\)](#), arts. 1(1), **3(a)** (with art. 10)

(b) the landlord intends to use the holding for the purpose of effecting an amalgamation within 2 years after the termination of the tenancy; and

(c) the notice specifies the land with which the holding is to be amalgamated.

##### *Case 3*

The tenant is the occupier (either as owner or tenant) of agricultural land which—

(a) is a <sup>F1</sup>viable unit];

(b) is distinct from the holding and from any agricultural unit of which the holding forms part; and

(c) has been occupied by him since before the death of the person from whom he acquired right to the lease of the holding;

and the notice specifies the agricultural land.

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## PART II

### GROUND FOR CONSENT TO OPERATION OF NOTICE TO QUIT A TENANCY LET ON OR AFTER 1 JANUARY 1984

#### Case 4

The tenant does not have sufficient financial resources to enable him to farm the holding with reasonable efficiency.

#### Case 5

The tenant has neither sufficient training in agriculture nor sufficient experience in the farming of land to enable him to farm the holding with reasonable efficiency:

Provided that this Case shall not apply where the tenant has been engaged, throughout the period from the date of death of the person from whom he acquired right to the lease, in a course of relevant training in agriculture which he is expected to complete satisfactorily within 4 years from the said date, and has made arrangements to secure that the holding will be farmed with reasonable efficiency until he completes that course.

#### Case 6

- (a) The holding or any agricultural unit of which it forms part is not a [F1viable unit];
- (b) the landlord intends to use the holding for the purpose of effecting an amalgamation within 2 years after the termination of the tenancy; and
- (c) the notice specifies the land with which the holding is to be amalgamated.

#### Case 7

The tenant is the occupier (either as owner or tenant) of agricultural land which—

- (a) is a [F1viable unit];
- (b) is distinct from the holding; and
- (c) has been occupied by him throughout the period from the date of giving of the notice; and the notice specifies the land.

## PART III

### SUPPLEMENTARY

- 1 For the purposes of section 25 of this Act and this Schedule—
- “amalgamation” means a transaction for securing that agricultural land which is comprised in a holding to which a notice to quit relates and which together with other agricultural land could form an agricultural unit, shall be owned and occupied in conjunction with that other land (and cognate expressions shall be construed accordingly);

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“near relative” in relation to a deceased tenant of an agricultural holding means a surviving spouse<sup>[F2]</sup>, surviving civil partner] or child of that tenant, including a child adopted by him in pursuance of an adoption order (as defined in section 23(5) of the <sup>M1</sup>Succession (Scotland) Act 1964); and

[<sup>F3</sup>“viable unit” means an agricultural unit which in the opinion of the Land Court is capable of providing an individual occupying it with full-time employment and the means to pay—

- (a) the rent payable in respect of the unit; and
- (b) for adequate maintenance of the unit.]

#### Textual Amendments

- F2** Words in Sch. 2 para. 1 inserted (30.6.2006) by [The Civil Partnership Act 2004 \(Consequential Amendments\) \(Scotland\) Order 2006 \(S.S.I. 2006/379\)](#), arts. 1(1), 2
- F3** Words in Sch. 2 para. 1 substituted (22.3.2011) by [The Public Services Reform \(Agricultural Holdings\) \(Scotland\) Order 2011 \(S.S.I. 2011/232\)](#), arts. 1(1), **3(b)(i)** (with art. 10)

#### Marginal Citations

- M1** 1964 c. 41.

- 2 For the purposes of determining whether land is a [<sup>F4</sup>viable unit], in assessing the capability of the unit of providing employment it shall be assumed that the unit is farmed under reasonably skilled management, that a system of husbandry suitable for the district is followed and that the greater part of the feeding stuffs required by any livestock kept on the unit is grown there.

#### Textual Amendments

- F4** Words in Sch. 2 para. 2 substituted (22.3.2011) by [The Public Services Reform \(Agricultural Holdings\) \(Scotland\) Order 2011 \(S.S.I. 2011/232\)](#), arts. 1(1), **3(b)(ii)** (with art. 10)

- 3 For the purposes of Case 7 of this Schedule, occupation of agricultural land—
- (a) by a company which is controlled by the tenant shall be treated as occupation by the tenant; and
  - (b) by a Scottish partnership shall, notwithstanding section 4(2) of the <sup>M2</sup>Partnership Act 1890, be treated as occupation by each of its partners.

#### Marginal Citations

- M2** 1890 c. 39.

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## SCHEDULE 3

Section 33.

### 1923 ACT IMPROVEMENTS FOR WHICH COMPENSATION MAY BE PAYABLE

#### PART I

##### IMPROVEMENTS FOR WHICH CONSENTS REQUIRED

- 1 Erection, alteration, or enlargement of buildings.
- 2 Formation of silos.
- 3 Laying down of permanent pasture.
- 4 Making and planting of osier beds.
- 5 Making of water meadows or works of irrigation.
- 6 Making of gardens.
- 7 Making or improvement of roads or bridges.
- 8 Making or improvement of watercourses, ponds, wells, or reservoirs, or of works for the application of water power or for supply of water for agricultural or domestic purposes.
- 9 Making or removal of permanent fences.
- 10 Planting of hops.
- 11 Planting of orchards or fruit bushes.
- 12 Protecting young fruit trees.
- 13 Reclaiming of waste land.
- 14 Warping or weiring of land.
- 15 Embankments and sluices against floods.
- 16 Erection of wirework in hop gardens.
- 17 Provision of permanent sheep dipping accommodation.
- 18 In the case of arable land, the removal of bracken, gorse, tree roots, boulders, or other like obstructions to cultivation.

#### PART II

##### IMPROVEMENTS FOR WHICH NOTICE REQUIRED

- 19 Drainage.

#### PART III

##### IMPROVEMENTS FOR WHICH NO CONSENTS OR NOTICE REQUIRED

- 20 Chalking of land.
- 21 Clay-burning.

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- 22      Claying of land or spreading blaes upon land.
- 23      Liming of land.
- 24      Marling of land.
- 25      Application to land of purchased artificial or other manure.
- 26      Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn, cake, or other feeding stuff not produced on the holding.
- 27      Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn proved by satisfactory evidence to have been produced and consumed on the holding.
- 28      Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than 2 years prior to the termination of the tenancy, in so far as the value of the temporary pasture on the holding at the time of quitting exceeds the value of the temporary pasture on the holding at the commencement of the tenancy for which the tenant did not pay compensation.
- 29      Repairs to buildings, being buildings necessary for the proper cultivation or working of the holding, other than repairs which the tenant is himself under an obligation to execute.

## SCHEDULE 4

Section 33.

### 1931 ACT IMPROVEMENTS FOR WHICH COMPENSATION MAY BE PAYABLE

#### PART I

##### IMPROVEMENTS FOR WHICH CONSENT REQUIRED

- 1      Erection, alteration, or enlargement of buildings.
- 2      Laying down of permanent pasture.
- 3      Making and planting of osier beds.
- 4      Making of water meadows or works of irrigation.
- 5      Making of gardens.
- 6      Planting of orchards or fruit bushes.
- 7      Protecting young fruit trees.
- 8      Warping or weiring of land.
- 9      Making of embankments and sluices against floods.

#### PART II

##### IMPROVEMENTS OF WHICH NOTICE REQUIRED

- 10     Drainage.

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- 11 Formation of silos.
- 12 Making or improvement of roads or bridges.
- 13 Making or improvement of watercourses, ponds or wells, or of works for the application of water power or for the supply of water for agricultural or domestic purposes.
- 14 Making or removal of permanent fences.
- 15 Reclaiming of waste land.
- 16 Repairing or renewal of embankments and sluices against floods.
- 17 Provision of sheep dipping accommodation.
- 18 Provision of electrical equipment other than moveable fittings and appliances.

### PART III

#### IMPROVEMENTS FOR WHICH NO CONSENT OR NOTICE REQUIRED

- 19 Chalking of land.
- 20 Clay-burning.
- 21 Claying of land or spreading blaes upon land.
- 22 Liming of land.
- 23 Marling of land.
- 24 Eradication of bracken, whins, or gorse growing on the holding at the commencement of a tenancy and in the case of arable land the removal of tree roots, boulders, stones or other like obstacles to cultivation.
- 25 Application to land of purchased artificial or other manure.
- 26 Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn, cake, or other feeding stuff not produced on the holding.
- 27 Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn proved by satisfactory evidence to have been produced and consumed on the holding.
- 28 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than 2 years prior to the termination of the tenancy, in so far as the value of the temporary pasture on the holding at the time of quitting exceeds the value of the temporary pasture on the holding at the commencement of the tenancy for which the tenant did not pay compensation.
- 29 Repairs to buildings, being buildings necessary for the proper cultivation or working of the holding, other than repairs which the tenant is himself under an obligation to execute.

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## SCHEDULE 5

Section 33.

### NEW IMPROVEMENTS FOR WHICH COMPENSATION MAY BE PAYABLE

#### PART I

##### IMPROVEMENTS FOR WHICH CONSENT IS REQUIRED

- 1 Laying down of permanent pasture.
- 2 Making of water-meadows or works of irrigation.
- 3 Making of gardens.
- 4 Planting of orchards or fruit bushes.
- 5 Warping or weiring of land.
- 6 Making of embankments and sluices against floods.
- 7 Making or planting of osier beds.
- 8 Haulage or other work done by the tenant in aid of the carrying out of any improvement made by the landlord for which the tenant is liable to pay increased rent.

#### PART II

##### IMPROVEMENTS FOR WHICH NOTICE IS REQUIRED

- 9 Land drainage.
- 10 Construction of silos.
- 11 Making or improvement of farm access or service roads, bridges and fords.
- 12 Making or improvement of watercourses, ponds or wells, or of works for the application of water power for agricultural or domestic purposes or for the supply of water for such purposes.
- 13 Making or removal of permanent fences, including hedges, stone dykes and gates.
- 14 Reclaiming of waste land.
- 15 Renewal of embankments and sluices against floods.
- 16 Provision of stells, fanks, folds, dippers, pens and bughts necessary for the proper conduct of the holding.
- 17 Provision or laying on of electric light or power, including the provision of generating plant, fixed motors, wiring systems, switches and plug sockets.
- 18 Erection, alteration or enlargement of buildings, making or improvement of permanent yards, loading banks and stocks <sup>F5</sup>...

#### Textual Amendments

- F5** Words in Sch. 5 para. 18 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](#)



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- 19 Erection of hay or sheaf sheds, sheaf or grain drying racks, and implement sheds.
- 20 Provision of fixed threshing mills, barn machinery and fixed dairying plant.
- 21 Improvement of permanent pasture by cultivation and re-seeding.
- 22 Provision of means of sewage disposal.
- 23 Repairs to fixed equipment, being equipment reasonably required for the efficient farming of the holding, other than repairs which the tenant is under an obligation to carry out.

### PART III

#### IMPROVEMENTS FOR WHICH NO CONSENT OR NOTICE REQUIRED

- 24 Protecting fruit trees against animals.
- 25 Clay burning.
- 26 Claying of land.
- 27 Liming (including chalking) of land.
- 28 Marling of land.
- 29 Eradication of bracken, whins or broom growing on the holding at the commencement of the tenancy and, in the case of arable land, removal of tree roots, boulders, stones or other like obstacles to cultivation.
- 30 Application to land of purchased manure and fertiliser, whether organic or inorganic.
- 31 Consumption on the holding of corn (whether produced on the holding or not) or of cake or other feeding stuff not produced on the holding by horses, cattle, sheep, pigs or poultry.
- 32 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than 2 years prior to the termination of the tenancy, in so far as the value of the temporary pasture on the holding at the time of quitting exceeds the value of the temporary pasture on the holding at the commencement of the tenancy for which the tenant did not pay compensation.

## SCHEDULE 6

Section 40.

### MARKET GARDEN IMPROVEMENTS

- 1 Planting of fruit trees or bushes permanently set out.
- 2 Planting of strawberry plants.
- 3 Planting of asparagus, rhubarb, and other vegetable crops which continue productive for 2 or more years.
- 4 Erection, alteration or enlargement of buildings for the purpose of the trade or business of a market gardener.

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## F<sup>6</sup>SCHEDULE 7

Section 61.

### Textual Amendments

- F6** Sch. 7 repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 44](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

## SCHEDULE 8

Section 57.

### SUPPLEMENTARY PROVISIONS WITH RESPECT TO PAYMENTS UNDER SECTION 56

### Modifications etc. (not altering text)

- C1** Sch. 8 modified (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), [ss. 54\(6\)](#), [95\(3\)](#), [95\(4\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(d) (with Sch.)

- 1 Subject to paragraph 4 of this Schedule, any dispute with respect to any sum which may be or become payable by virtue of section 56(1) of this Act shall be referred to and determined by the Lands Tribunal for Scotland.
- 2 If in any case the sum to be paid by virtue of the said section 56(1) to the tenant of an agricultural holding or to a statutory small tenant by an acquiring authority would, apart from this paragraph and paragraph 3 of this Schedule, fall to be ascertained in pursuance of section 54(2) of this Act by reference to the rent of the holding at a rate which was not—
- (a) determined by [F<sup>7</sup>the Land Court] under section 13 or 15 of this Act;
  - (b) determined by [F<sup>8</sup>arbitration by virtue of section 61(1)] of this Act; or
  - (c) in the case of a statutory small tenant, fixed by the Scottish Land Court in pursuance of section 32(7) and (8) of the 1911 Act;
- and which the authority consider is unduly high, the authority may make an application to the Lands Tribunal for Scotland for the rent to be considered by the tribunal;

### Textual Amendments

- F7** Words in [Sch. 8 para. 2](#) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 45\(a\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F8** Words in [Sch. 8 para. 2](#) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 45\(a\)\(ii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

- 3 Where, on an application under paragraph 2 above, the tribunal are satisfied that—
- (a) the rent to which the application relates is not substantially higher than the rent which in their opinion would be determined for the holding in question [F<sup>9</sup>by the Land Court or] on a reference to arbitration duly made in pursuance of—
    - (i) section 13 of this Act; or

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- (ii) in the case of a statutory small tenancy, the equitable rent which in their opinion would be fixed by the Land Court under section 32 (7) and (8) of the 1911 Act;
- (hereafter in this paragraph referred to as “the appropriate rent”); or
- (b) the rent to which the application relates is substantially higher than the appropriate rent but was not fixed by the parties to the relevant lease with a view to increasing the amount of any compensation payable, or of any sum to be paid by virtue of section 56(1) of this Act, in consequence of the compulsory acquisition or taking of possession of any land included in the holding,
- they shall dismiss the application; and if the tribunal do not dismiss the application in pursuance of the foregoing provisions of this paragraph they shall determine that, in the case to which the application relates, the sum to be paid by virtue of section 56(1) of this Act shall be ascertained in pursuance of the said section 13 by reference to the appropriate rent instead of by reference to the rent to which the application relates.

#### Textual Amendments

**F9** Words in Sch. 8 para. 3 inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 45\(b\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

- 4 For the purposes of paragraph 3(a) above, section 13(1) of this Act shall have effect as if for the reference therein to the next ensuing day there were substituted a reference to the date of the application referred to in paragraph 3(a) above.
- 5 The enactments mentioned in paragraph 6 of this Schedule shall, subject to any necessary modifications, have effect in their application to such an acquiring of an interest or taking of possession as is referred in section 56(1) of this Act (hereafter in this paragraph referred to as “the relevant event”)—
- (a) in so far as those enactments make provision for the doing, before the relevant event, of any thing connected with compensation (including in particular provision for determining the amount of the liability to pay compensation or for the deposit of it in a Scottish bank or otherwise), as if references to compensation, except compensation for damage or injurious affection, included references to any sum which will become payable by virtue of section 56 of this Act in consequence of the relevant event; and
- (b) subject to sub-paragraph (a) above, as if references to compensation (except compensation for damage or injurious affection) included references to sums payable or, as the context may require, to sums paid by virtue of section 56 of this Act in the consequence of the relevant event.
- 6 The enactments aforesaid are—
- (a) sections 56 to 60, 62, 63 to 65, 67 to 70, 72, 74 to 79, 83 to 87, 114, 115 and 117 of the <sup>M3</sup>Lands Clauses (Scotland) Act 1845;
- (b) paragraph 3 of Schedule 2 to the <sup>M4</sup>Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947;
- (c) Parts I and II and section 40 of the <sup>M5</sup>Land Compensation (Scotland) Act 1963;
- (d) paragraph 4 of Schedule 6 to the <sup>M6</sup>New Towns (Scotland) Act 1968;

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- (e) any provision in any local or private Act, in any instrument having effect by virtue of an enactment, or in any order or scheme confirmed by Parliament or brought into operation in accordance with special parliamentary procedure, corresponding to a provision mentioned in subparagraph (a), (b) or (d) above.

#### Marginal Citations

- M3** 1845 c.19.  
**M4** 1947 c.42.  
**M5** 1963 c. 51.  
**M6** 1968 c. 16.

## 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<sup>F10</sup>, 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

- F10** 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

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or the 3-year average price for lambs, as the case may be, shall,<sup>F11</sup> 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<sup>F12</sup>... 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.

#### Textual Amendments

- F11** 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.)
- F12** 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.

*Status: Point in time view as at 22/03/2011.*

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## 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.
- 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.

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## 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.

## SCHEDULE 10

Section 70.

### VALUATION OF SHEEP STOCK IN SCOTLAND IN RESPECT OF LEASES ENTERED INTO AFTER 1ST DECEMBER 1986

## PART I

### VALUATION MADE IN RESPECT OF A TENANCY TERMINATING AT WHITSUNDAY

- 1 The Land Court or<sup>F13</sup>, 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 regular cast 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

**F13** Words in Sch. 10 para. 1 inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 47\(a\)](#) (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 regular cast 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 regular cast 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 regular cast 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 regular cast 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 regular cast ewes” and the “3-year average price for lambs”.
- 4 In the case of any sheep stock in which the number of regular cast 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 regular cast ewes or of lambs sold, the 3-year average price for regular cast ewes or the 3-year average price for lambs, as the case may be shall<sup>F14</sup> where the valuer is the Land Court (and not an arbiter appointed 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



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<sup>F15</sup> ... by reference to the prices realised at such sales for regular cast ewes and for lambs respectively from similar stocks kept in the same district and under similar conditions.

#### Textual Amendments

- F14** Words in Sch. 10 para. 4 inserted (27.11.2003) by *Agricultural Holdings (Scotland) Act 2003 (asp 11)*, s. 95(3)(4), **Sch. para. 47(b)(i)** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F15** Words in Sch. 10 para. 4 repealed (27.11.2003) by *Agricultural Holdings (Scotland) Act 2003 (asp 11)*, s. 95(3)(4), **Sch. para. 47(b)(ii)** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

5 The 3-year average price for regular cast ewes shall be subject to adjustment by the valuer within the limits of 30 per cent 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 adjust the 3 year average price for lambs within the limits of 20 per cent upwards or downwards as he may think proper having regard to their quality and condition. 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 of such value per head;
- (b) lambs shall be valued at the basic lamb value but twin lambs shall be valued at such price as the valuer thinks proper;
- (c) ewe hoggs shall be valued at three quarters of the combined basic values of a ewe and a lamb subject to adjustment by the valuer within the limits of 25 per cent 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 regular cast 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



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- for any year the valuer shall disregard one-fifth of the total number of regular cast ewes so sold in that year being the ewes sold at the lowest price.
- 8 The mean of the average prices so calculated shall be subject to adjustment by the valuer within the limits of 30 per cent 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 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 20 per cent 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 regular cast 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 “regular cast ewes”, “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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## 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 ”.
- 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 ”.

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*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) 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 ”.

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- 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 ”;
  - (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 ”;

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- (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)*

F1622 .....

**Textual Amendments**

**F16** 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—
- (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—

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- (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—

- (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) ”;

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- (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 Agriculture (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 ”.

*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 ”.

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*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 ”;
- (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 ”.



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- 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)”; and
  - (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)*

F1754 .....

**Textual Amendments**

**F17** 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—

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- (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 ”.

SCHEDULE 12

Section 87.

TRANSITIONALS AND SAVINGS

*Continuation of savings*

- 1 The repeal by this Act of an enactment which repealed a previous enactment subject to a saving shall not affect the continued operation of that saving.

*Construction of references to old and new law*

- 2 (1) Where an enactment contained in this Act repeals and re-enacts an earlier enactment—
- (a) for the purpose of giving effect to any instrument or other document it shall be competent, so far as the context permits, to construe a reference to either enactment as a reference to the other;
  - (b) anything done or required to be done for the purposes of either enactment may, so far as the context permits, be treated as having been done or as something required to be done for the purposes of the other.
- (2) In this paragraph, a reference to an enactment reenacted in this Act includes a reference to any such enactment repealed by the Agricultural Holdings Act 1923, the 1949 Act or the Agricultural Holdings (Amendment) (Scotland) Act 1983.

*Savings for specific enactments*

- 3 Nothing in this Act shall affect any provision of the <sup>M7</sup>Allotments (Scotland) Act 1922.

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**Marginal Citations**

**M7** 1922 c. 52.

- 4 Section 21 of the <sup>M7</sup>Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (as read with section 24 of that Act) shall continue to have effect—
- (a) in subsections (2) and (3) with the substitution for references to the Secretary of State of references to the Land Court; and
  - (b) with the reference in subsection (6) to section 27 of the 1949 Act being construed as a reference to that section as originally enacted.

**Marginal Citations**

**M8** 1951 c. 65.

*Compensation*

- 5 Notwithstanding section 16 of the <sup>M8</sup>Interpretation Act 1978, rights to compensation conferred by this Act shall be in lieu of rights to compensation conferred by any enactment repealed by this Act.

**Marginal Citations**

**M9** 1978 c. 30.

SCHEDULE 13

Section 88.

REPEALS AND REVOCATIONS

**PART I**

REPEALS

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1 Edw. 8 & 1 Geo. 6. c. 34.	Sheep Stocks Valuation (Scotland) Act 1937.	The whole Act.
9 & 10 Geo. 6. c. 73.	Hill Farming Act 1946.	Sections 28 to 31. Second Schedule.
11 & 12 Geo. 6. c. 45.	Agriculture (Scotland) Act 1948.	Section 52. In section 54, the definitions of “deer” occupier of an agricultural holding and “woodlands”.
12, 13 and 14 Geo. 6. c. 75.	Agricultural Holdings (Scotland) Act 1949.	The whole Act.

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14 & 15 Geo. 6. c. 18.	Livestock Rearing Act 1951.	In section 1(2)(b) the words “in paragraph (d) of subsection (1) of section 8 of the Agricultural Holdings (Scotland) Act 1949”.
14 & 15 Geo. 6. c. 65.	Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 24(b), the words from “for references” to “twenty-seven thereof”.
6 & 7 Eliz. 2 c. 71.	Agriculture Act 1958.	Section 3.Schedule 1.
1963 c. 11.	Agriculture (Miscellaneous Provisions) Act 1963.	Section 21
1964 c. 41.	Succession (Scotland) Act 1964.	In Schedule 2, paragraphs 19 to 23.
1968 c. 34.	Agriculture (Miscellaneous Provisions) Act 1968.	Part II.Schedules 4 and 5.
1973 c. 65.	Local Government (Scotland) Act 1973.	Section 228(5).
1976 c. 21.	Crofting Reform (Scotland) Act 1976.	Schedule 2, para. 25.
1976 c. 55.	Agriculture (Miscellaneous Provisions) Act 1976.	Section 13 and 14.
1980 c. 45.	Water (Scotland) Act 1980.	In Schedule 10, Part II, the entry relating to the 1949 Act.
1983 c. 46.	Agricultural Holdings (Amendment) (Scotland) Act 1983.	The whole Act.
1985 c. 73.	Law Reform (Miscellaneous Provisions) (Scotland) Act 1985.	Section 32.
1986 c. 5.	Agricultural Holdings Act 1986.	In schedule 14, paras. 25(8), 26(11) and 33(8).
1986 c. 49.	Agriculture Act 1986.	In Schedule 2, para. 1, the definitions of “the 1886 Act”, “the 1911 Act”, “the 1949 Act” and “the 1955 Act”.

## PART II

### Revocations of Subordinate Legislation

Number	Citation	Extent of revocation
SI 1950/1553.	The Agricultural Holdings (Scotland) Regulations 1950.	The whole Instrument.

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SI 1978/798.	The Agricultural Holdings (Scotland) Act 1949 (Variation of First Schedule) Order 1978.	The whole Order.
SI 1986/1823.	The Hill Farming Act 1946 (Variation of Second Schedule) (Scotland) Order 1986.	The whole Order.

*TABLE OF DERIVATIONS*

*Note:* The following abbreviations are used in this Table—

1937	= The Sheep Stocks Valuation (Scotland) Act 1937 (1 Edw. 8 & 1 Geo. 6.c. 34).
1946	= The Hill Farming Act 1946 (9 & 10 Geo. 6. c. 73).
1948	= The Agriculture (Scotland) Act 1948 (11 & 12 Geo. 6. c. 45).
1949	= The Agricultural Holdings (Scotland) Act 1949 (12, 13 & 14 Geo. 6. c. 75).
1958	= The Agriculture Act 1958 (c. 71).
1963	= The Agriculture (Miscellaneous Provisions) Act 1963 (c. 11)
1964	= The Succession (Scotland) Act 1964 (c. 41).
1968	= The Agriculture (Miscellaneous Provisions) Act 1968 (c. 34).
1973	= The Local Government (Scotland) Act 1973 (c. 65).
1976	= The Agriculture (Miscellaneous Provisions) Act 1976 (c. 55).
1983	= The Agriculture Holdings (Amendment) (Scotland) Act 1983 (c. 46).
1986	= The Agriculture Holdings Act 1986 (c. 5).
S.I. 1950/1553	= The Agriculture Holdings (Scotland) Regulations 1950 (S.I. 1950/1553).
S.I. 1978/798	= The Agricultural Holdings (Scotland) Act 1949 (Variation of First Schedule) Order 1978 (c.I. 1978/798).
S.I. 1986/1823	= The Hill Farming Act 1946 (Variation of Second Schedule) (Scotland) Order 1986.

**Provision of Act**

**Derivation**

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1	1949 s.1; 1958 s.9(1).
2	1949 s.2.
3	1949 s.3; 1949 s.24(1).
4	1949 s.4, s.6(4).
5	1949 s.5.
6	1949 s.23.
7	1949 s.12; 1958 Sch. 1 Pt.II para. 33.
8	1949 s.17.
9	1949 s.9; 1958 Sch. 1 Pt.II para. 32.
10	1949 s.18.
11	1949 s.20; 1964 s.34(1), Sch. 2 paras. 19, 20 and 21.
12	1949 s.21; 1964 s.34(1), Sch. 2 para. 22.
13	1949 s.7; 1983 s.2.
14	1949 s.6(3).
15	1949 s.8.
16	1949 s.10.
17	1949 s.13.
18	1949 s.14.
19	1949 s.22.
20	1949 s.19.
21	1949 s.24; 1958 Sch. 1 Pt. II para. 34.
22	1949 s.25; 1958 s.3(1), (3), Sch. 1 Pt. II para. 35.
23	1949 s.27; 1958 Sch. 1 Pt. II, para. 37.
24	1949 s.26; 1958 s.3(2), (3), Sch. 1 Pt. II para 36; 1983 s.4(1).
25	1949 s.26A; 1983 s.3, s.4(2).
26	1949 s.28; 1958 Sch. 1 Pt. II para. 38; 1989 (c.15) Sch. 25 para. 12.
27	1949 s.30; 1958 Sch. 1 Pt. II para. 40.
28	1949 s.31.
29	1949 s.32.
30	1949 s.33.
31	1949 s.34.
32	1976 s.14.

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33	1949 s.36; s.47.
34	1949 s.37, s.41, s.42, s.43, s.44(4), s.45, s.48, s.53, s.54.
35	1949 s.11, s.46, s.55.
36	1949 s.38, s.43, s.44(1), s.49, s.53.
37	1949 s.39, s.50.
38	1949 s.40, s.51.
39	1949 s.52; 1958 Sch.1 Pt. II para. 41.
40	1949 s.65.
41	1949 s.66; 1958 Sch.1 Pt II para. 43.
42	1949 s.67.
43	1949 s.35.
44	1949 s.56.
45	1949 s.57, s.58.
46	1949 s.6(1), (2); s.57(3); S.I. 1950/1553.
47	1949 s.59.
48	1949 s.16.
49	1949 s.60.
50	1949 s.61.
51	1949 s.63; 1958 Sch. 1 Pt. II para. 42; S.I. 1977/2007.
52	1949 s.15; S.I. 1977/2007.
53	1949 s.64.
54	1968 s.9, s.16, Sch. 5, para. 1.
55	1968 s.11.
56	1968 s.12, s.16.
57	1968 s.14; 1972 (c.52) Sch. 21, Pt. II.
58	1968 s.15, s.16, Sch 5, para. 5.
59	1968 s.16, s.17.
60	1949 s.74, s.78.
61	1949 s.68, s.75; 1973 s.228(5); 1983 s.5(1).
62	1949 s.68.
63	1949 s.76; 1971 c.58 s.4.
64	1949 s.77, s.87(2); 1968 s.17(3).
65	1949 s.69.
66	1976 s.13.

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67	1949 s.91; 1971 c. 58 s.4.
68	1937 s.1; 1946 s.28; 1985 c.73 s.32; SI 1986/1823.
69	1937 s.2.
70	1937 s.3; 1946 s.29; SI 1986/1823.
71	1946 s.30.
72	1937 s.4.
73	1949 s.79.
74	1949 s.80.
75	1949 s.70, s.82; 1980 (c.45) Sch. 10.
76	1949 s.83.
77	1949 s.84.
78	1949 s.85.
79	1949 s.86; 1968 s.17(3).
80	1949 s.87(1).
81	1949 s.88.
82	1949 s.89; 1975 c.21 s.289; 1977 c.45 s.31.
83	1949 s.73; 1976 s.14(6); 1976 (c.21) Sch. 2 para. 25.
84	1949 s.90; 1985 c.6. s.725(1).
85	1949 s.93.
86	1949 s.95.
87	1949 s.99(2).
88	1949 s. 97.
89	1949 s. 101.
Schedule 1	1949 Sch. 5.
Schedule 2	1983 Sch. 1.
Schedule 3	1949 Sch. 2.
Schedule 4	1949 Sch. 3.
Schedule 5	1949 Sch. 1; S.I. 1978/798.
Schedule 6	1949 Sch. 4.
Schedule 7	1949 Sch. 6; 1983 s.5(2).
Schedule 8	1968 Sch. 4, Sch 5, para 6, para 7.
Schedule 9	1946 Sch. 2; 1963 s.21.
Schedule 10	1946 Sch. 2; 1963; s.21.

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