



# Sheep Stocks Valuation (Scotland) Act 1937

## 1937 CHAPTER 34

An Act to amend the law with respect to valuations of sheep stock in Scotland. [10th June 1937.]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows—

### **1 Awards as to value of sheep stock to give particulars.**

- (1) Where in pursuance of any lease of an agricultural holding whether entered into before or after the passing of this Act the tenant is required at the termination of the tenancy to leave the stock of sheep on the holding to be taken over by the landlord or the incoming tenant at a price or valuation to be fixed by arbitration, the arbiter shall in his award, show the basis of valuation of each class of stock and state separately any amounts included in respect of acclimatisation or hefting or of any other consideration or factor for which he has made special allowance.
- (2) Where an arbiter fails to comply with any requirements of the foregoing subsection, his award may be set aside by the sheriff.

### **2 Submission of questions of law for decision of sheriff.**

- (1) In any arbitration in pursuance of a lease entered into after the passing of this Act as to the price or value of sheep stock to be taken over at the termination of the tenancy by the landlord or incoming tenant, the arbiter may, at any stage of the proceedings and shall, if so directed by the sheriff (which direction may be given on the application of either party) submit, in the form of a stated case for the decision of the sheriff, any question of law arising in the course of the arbitration.

- (2) The decision of the sheriff on any question submitted in pursuance of the foregoing subsection shall be final unless within such time, and in accordance with such conditions, as may be prescribed by Act of Sederunt, either party appeals to the Court of Session, from whose decision no appeal shall lie.
- (3) Where any question is submitted in pursuance of subsection (1) of this section for the decision of the sheriff, and the arbiter is satisfied that, whatever the decision on the question may be, the sum ultimately to be found due will be not less than a particular amount, it shall be lawful for the arbiter, pending the decision of such question, to make an order directing payment to the outgoing tenant of such sum, not exceeding that amount, as the arbiter may think fit, to account of the sum that may ultimately be awarded.

### **3 Determination by Land Court of questions as to value of sheep stock.**

- (1) Any question or difference as to the price or value of sheep stock required in terms of any lease (whether entered into before or after the passing of this Act) to be taken over at the termination of the tenancy by the landlord or incoming tenant, may, if both parties agree, in lieu of being determined in the manner provided in the lease, be determined by the Land Court, and the Land Court shall, on the joint application of the parties, determine such question or difference accordingly.
- (2) The provisions of the Small Landholders (Scotland) Acts, 1886 to 1931, with regard to the Land Court shall, with any necessary modifications, apply for the purpose of the determination of any such question or difference as aforesaid in like manner as those provisions apply for the purpose of the determination by the Land Court of matters referred to them under those Acts.

### **4 Interpretation.**

In this Act, unless the context otherwise requires—

the expression " agricultural holding " means a piece of land held by a tenant which is wholly or in part pastoral, and which is not let to the tenant during his continuance in any office, appointment, or employment held under the landlord;

the expression " arbiter " includes an oversman and any person required to determine the value or price of sheep stock in pursuance of any provision in the lease of an agricultural holding, and the expression " arbitration " shall be construed accordingly;

the expressions " lease," " landlord," and " tenant," have the like meaning as in the Agricultural Holdings (Scotland) Act, 1923.

### **5 Short title and extent**

- (1) This Act may be cited as the Sheep Stocks Valuation (Scotland) Act, 1937.
- (2) This Act shall extend to Scotland only.