



Small Landholders (Scotland) Act 1911

1911 CHAPTER 49 1 and 2 Geo 5

17 Amendment of law as to vacant holdings.

[^{F1}(1)] Where, by reason of renunciation, removal, failure of a statutory successor, or otherwise, a holding has at any time ceased or is about to cease to be held by a landholder, the landlord shall forthwith intimate the fact in writing to the Board, and shall not . . . ^{F2} be entitled without the consent of the Board to let the holding otherwise than to a neighbouring landholder for the enlargement of his holding, or to a new holder [^{F3}and the Board shall have in regard to any such holding the like powers as if the holding had been included in a scheme made and confirmed under section seven of the Act of 1911, as amended by section nine of the Act of 1919, at such rent as the Board may fix, provided that the Board shall pay to the landlord, in lieu of compensation provided by the said section as so amended, compensation to such amount as, failing agreement, may be determined by the Land Court in respect of any damage or injury arising out of any alteration as regards the rent payable for or the terms and conditions of occupancy of the holding:]

Provided that where, under the provisions of the Landholders Acts, the holding was, otherwise than by agreement, constituted as a new holding or enlarged, it shall be the duty of the Land Court, upon an application by the landlord, after hearing the Board, to assess any damage or injury done by the constitution or enlargement of the holding, as the case may be, to the landlord through non-payment of rent in respect of the holding, or depreciation in the letting value of the land comprised in the holding, or through the imposition of liabilities in respect of, or the payment of compensation for, permanent improvements thereon, and to require the Board to pay the landlord compensation in respect of such damage or injury to such amount as the Land Court determined, . . . ^{F4} but nothing in this proviso contained shall apply to the case of a holding ceasing to be held by a landholder by reason of resumption by the landlord or by reason of the sale of the holding to the landholder:

[^{F5}Provided further that, where a landlord lets a holding otherwise than in compliance with the provisions of this section, the Board shall be entitled to declare the let null and void and without payment of any compensation to treat the holding as if it had been duly constituted a new holding under this Act, or assign the same for the enlargement of a neighbouring holding or holdings.]

Changes to legislation: There are currently no known outstanding effects for the Small Landholders (Scotland) Act 1911, Section 17. (See end of Document for details)

[^{F6}(2) In the application of subsection (1) to holdings situated in an area designated by order under section 3A(1)(b) of the Crofters (Scotland) Act 1993 (c.44) (new crofts), references to the Board are to be construed as references to the Crofting Commission.]

Textual Amendments

- F1** S. 17(1): s. 17 renumbered as s. 17(1) (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **Sch. 4 para. 1(4)(a)** (with s. 57(4)); S.S.I. 2010/437, art. 3, Sch. (with art. 4)
- F2** Words repealed by Small Landholders and Agricultural Holdings (Scotland) Act 1931 (c. 44), **Sch. 2**
- F3** Words inserted by Small Landholders and Agricultural Holdings (Scotland) Act 1931 (c. 44), **s. 6**
- F4** Words repealed by Land Settlement (Scotland) Act 1919 (c. 97), **Sch. 4**
- F5** Proviso added by Land Settlement (Scotland) Act 1919 (c. 97), **s. 12**
- F6** S. 17(2) added (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **Sch. 4 para. 1(4)(b)** (with s. 57(4)); S.S.I. 2010/437, art. 3, Sch. (with art. 4)

Modifications etc. (not altering text)

- C1** S. 17 restricted by Crofters (Scotland) Act 1955 (3 & 4 Eliz. 2 c. 21), s. 38(3), **Sch. 6 Pt. I**

Changes to legislation:

There are currently no known outstanding effects for the Small Landholders (Scotland) Act 1911, Section 17.