



Small Landholders (Scotland) Act 1911

1911 CHAPTER 49 1 and 2 Geo 5

2 Who to be landholders.

(1) In the Crofters Acts and this Act (herein-after referred to collectively as the Landholders Acts) the word “holding” means and includes—

- (i) As from the commencement of this Act, every holding which at the commencement of this Act is held by a crofter to whom in respect of such holding the Act of 1886 applies (herein-after referred to as an existing crofter);
- (ii) As from the commencement of this Act, and subject as herein-after provided, every holding which at the commencement of this Act is held by a tenant from year to year who resides on or within [^{F1}three kilometres] from the holding, and by himself or his family cultivates the holding with or without hired labour (herein-after referred to as an existing yearly tenant);
- (iii) As from the termination of the lease, and subject as herein-after provided, every holding which at the commencement of this Act is held under a lease for a term longer than one year by a tenant who resides on or within [^{F1}three kilometres] from the holding, and by himself or his family cultivates the holding with or without hired labour (such tenant, or his heir or successor, as the case may be, holding under the lease at the termination thereof being herein-after referred to as a qualified leaseholder):

Provided that such tenant from year to year or leaseholder—

- (a) shall (unless disqualified under section twenty-six of this Act) be held an existing yearly tenant or a qualified leaseholder within the meaning of this section in every case where it is agreed between the landlord and tenant or leaseholder, or in the event of dispute, proved to the satisfaction of the Land Court, that such tenant or leaseholder or his predecessor in the same family has provided or paid for the whole or the greater part of the buildings or other permanent improvements on the holding without receiving from the landlord or any predecessor in title payment or fair consideration therefor; and
- (b) in every other case shall not be held an existing yearly tenant or a qualified leaseholder within the meaning of this section, but shall (unless disqualified under section twenty-six of this Act) in respect of the holding be subject to the provisions of this Act regarding statutory small tenants;

Changes to legislation: There are currently no known outstanding effects for the Small Landholders (Scotland) Act 1911, Section 2. (See end of Document for details)

(iv) As from the date of registration, every holding which is constituted by the registration of an applicant in respect thereof on his application under the provisions of this Act respecting the constitution of new holdings (herein-after referred to as a new holder).

(2) In the Landholders Acts the word “landholder” means and includes, as from the respective dates above mentioned, every existing crofter, every existing yearly tenant, every qualified leaseholder, and every new holder, and the successors of every such person in the holding being his heirs or legatees.

Textual Amendments

F1 Words substituted by [S.I. 1977/2007](#), reg. 2, **Sch. 1**

Modifications etc. (not altering text)

C1 [S. 2](#) extended by [Small Landholders and Agricultural Holdings \(Scotland\) Act 1931 \(c. 44\)](#), **s. 14**; restricted by [Crofters \(Scotland\) Act 1955 \(3 & 4 Eliz. 2 c. 21\)](#), s. 38(3), **Sch. 6 Pt. 1**

Changes to legislation:

There are currently no known outstanding effects for the Small Landholders (Scotland) Act 1911, Section 2.