



Small Landholders (Scotland) Act 1911

1911 CHAPTER 49

26 Supplementary provisions and restrictions

- (1) For the purposes of the Landholders Acts, a holding shall be deemed to include any right in pasture or grazing land held or to be held by the tenant or landholder whether alone or in common with others, and the site of any dwelling-house erected or to be erected on the holding or held or to be held therewith, and of any offices or other conveniences connected with such dwelling-house.
- (2) A person shall not be admissible to registration as a new holder under this Act in respect of land belonging to more than one landlord, or in respect of more than one holding, and shall not be held an existing yearly tenant or a qualified leaseholder in respect thereof, unless such land or holdings have been worked as one holding.
- (3) A person shall not be held an existing yearly tenant or a qualified leaseholder under this Act in respect of—
 - (a) Any land the present rent of which within the meaning of this Act exceeds fifty pounds in money, unless such land (exclusive of any common pasture or grazing held or to be held therewith) does not exceed fifty acres (but without prejudice to the power of the Land Court, in determining from time to time a fair rent, to fix a rent exceeding fifty pounds) ; or
 - (b) Any land being garden ground only, appurtenant to a house, or any land to which as the site of or as required for the protection of or for access to an ancient monument or other object of historical or archaeological interest the Land Court determine that the Landholders Acts should not apply ; or
 - (c) Any land within the parliamentary, police, or municipal boundary of any burgh or police burgh ; or
 - (d) Any land being a market garden within the meaning of the Agricultural Holdings (Scotland) Act, 1908 ; or
 - (e) Any land being or forming part of any glebe, or any small holding under the Small Holdings Act, 1892, or any allotment under the Allotments (Scotland) Act, 1892, or the Local Government (Scotland) Act, 1894; or
 - (f) Any land that is not a holding within the meaning of the Agricultural Holdings (Scotland) Act, 1908 ; or

- (g) Any land being woodland, or being or forming part of the home farm of any estate, or of any policy or park, or of any pleasure ground or other land used for the amenity or convenience of any residence or farm-steading ; or being permanent grass park held for the purposes of a business or calling not primarily agricultural or pastoral, including that of butcher, cattle-dealer, and the like ; or
 - (h) Any land bona fide held and used for purposes of public recreation ; or
 - (i) Any land acquired, whether compulsorily or by agreement, for any undertaking of a public nature, under the authority of any Act of Parliament or any order having the force of an Act of Parliament.
- (4) A person shall not be admissible to registration as a new holder under this Act in respect of any land referred to in paragraphs (a), (b), (c), (d), or (e), or, except by agreement, in respect of any land referred to in paragraphs (g), (h), or (i) of the immediately preceding subsection, or in respect of any holding which is not either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral.
- (5) Nothing in this Act shall operate to prevent the registration of a new holder or the enlargement of a holding (whether by agreement or otherwise in either case) in respect of land comprised in a deer forest or otherwise kept or preserved mainly or exclusively for sporting purposes, but subject always to the provisions of section seven and section sixteen of this Act, as the case may be.
- (6) Notwithstanding anything contained in subsection (1) of this section, the holding of any existing yearly tenant or qualified leaseholder within the meaning of this Act shall not, for the purposes of the Landholders Acts, be deemed to include any lands or heritages at the commencement of this Act forming part of such holding and occupied by a sub-tenant of such existing yearly tenant or qualified leaseholder, whether paying rent or not.
- (7) A person shall not be held an existing yearly tenant or a qualified leaseholder under this Act in respect of a holding referred to in section thirty-three of the Act of 1886, but nothing in that section shall operate to prevent the registration of a new holder by agreement in respect of a holding referred to therein, or the application of the Landholders Acts to such new holder and his statutory successors in respect of the holding. For the word " nor " where last occurring in that section the word " or " is hereby substituted.
- (8) The provisions of section two of this Act shall extend to and include joint tenants being existing crofters, existing yearly tenants, or qualified leaseholders; but not more than one person shall be registered as a new holder in respect of any holding, and (without prejudice to the continuance of a joint tenancy through statutory successors) where at any time after the commencement of this Act a holding is held by a single landholder, or a holding which has been held in joint tenancy ceases to be so held, it shall not be competent for more than one person to be a landholder in respect of such holding.
- (9) Except so far as may be inconsistent with any express provision of this Act, the tenancy of a landholder under the Landholders Acts shall, in the case of every existing crofter, be deemed to be in all respects a continuance of his tenancy as a crofter under the Crofters Acts, and all contracts and other deeds and documents shall be read and construed accordingly.

- (10) A person shall not be subject to the provisions of this. Act regarding statutory small tenants who in terms of this section would be disqualified from being an existing yearly tenant or a qualified leaseholder.