



Small Landholders (Scotland) Act 1911

1911 CHAPTER 49 1 and 2 Geo 5

8 Provisions regulating loans to landholders.

(1) The agreement for any assistance given to a landholder by way of loan under the immediately preceding section shall be recorded in the Landholders' Holdings Book, and, as recorded, shall have the effect of transferring to the Board all rights of the landholder and his statutory successors to compensation for permanent improvements up to the amount of any outstanding liability owing to the Board; provided that the amount of such compensation when claimed shall, in such case in the event of dispute, be assessed by the Land Court, and provided further that any amount due to the Board from a landlord under this section may, if the Board on the application of the landlord so determine, be deemed to be a loan to the landlord (secured on the holding and on any buildings thereon) within the meaning of section six of the Congested Districts (Scotland) Act, 1897, to which the provisions of that section shall apply.

[^{F1}(2) In the event of failure of a statutory successor taking place or being deemed under section twenty-two of this Act to have taken place the landlord shall be liable to repay to the Board the amount of any outstanding liability in respect of a loan made under the immediately preceding section:

Provided that the Board shall not be entitled to recover from the landlord under this subsection any sum in excess of such amount as may be agreed or, in the event of dispute, be assessed by the Land Court to be the amount which would have been due by the landlord by way of compensation for permanent improvements if the holding had been renounced at the date at which failure of a statutory successor took place or was deemed as aforesaid to have taken place.]

(3) All moneys received for payment of interest or repayment of principal or otherwise in respect of any loan made by the Board under the immediately preceding section shall be paid to the fund out of which the loan was made.

(4) The Land Court shall, on the application of the Board or of the landlord or the landholder, append to their order fixing a fair rent for a holding a record specifying the condition of the cultivation of the holding, and of the buildings and other permanent improvements thereon, and by whom such permanent improvements have been executed or paid for.

Changes to legislation: There are currently no known outstanding effects for the Small Landholders (Scotland) Act 1911, Section 8. (See end of Document for details)

Textual Amendments

F1 S. 8(2) inserted by [Agriculture \(Scotland\) Act 1948 \(c. 45\), s. 66](#)

Modifications etc. (not altering text)

C1 S. 8 restricted by [Crofters \(Scotland\) Act 1955 \(3 & 4 Eliz. 2 c. 12 s. 38\(3\), Sch. 6 Pt. I](#)

C2 S. 8(1) amended by [Coal Mining \(Subsidence\) Act 1957 \(c. 59\), s. 10\(7\)](#)

C3 S. 8(1) amended (30.11.1991) by [Coal Mining Subsidence Act 1991 \(c. 45, SIF 86\), s. 21\(1\), Sch. 3 para. 3\(a\)](#) (with [s. 37\(4\), Sch. 7](#)); S.I. 1991/2508, [art. 2](#)

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