



Agricultural Land (Utilisation) Act 1931

1931 CHAPTER 41

PART III

SUPPLEMENTARY

24 Application to Scotland

In the application of this Act to Scotland the following provisions shall have effect:—

- (a) Except for the purposes of section twenty-two a reference to the Minister or to the Ministry of Agriculture and Fisheries shall be construed as a reference to the Department of Agriculture for Scotland (hereinafter in this section referred to as the Department) provided that any reference to the Minister in the provisions of the First Schedule to this Act regarding the making and submission to Parliament of Provisional Orders shall be construed as a reference to the Secretary of State; a reference to the council of a borough, urban district, or parish, shall be construed as a reference to a town or a district council, and a reference to a borough, urban district, or parish, shall be construed accordingly; any reference in Part II of this Act to a county council shall not apply, and the expression " easement" means servitude, and any reference to selling includes a reference to feuing.
- (b) References to sections sixteen, seventeen, eighteen, eighty-five, ninety-two, one hundred and twenty-three, one hundred and twenty-seven, one hundred and thirty-three, one hundred and fifty and one hundred and fifty-one of the Lands Clauses (Consolidation) Act, 1845, shall be construed respectively as references to sections fifteen, sixteen, seventeen, eighty-four, ninety, one hundred and sixteen, one hundred and twenty, one hundred and twenty-seven, one hundred and forty-two, and one hundred and forty-three of the Lands Clauses (Consolidation) (Scotland) Act, 1845.
- (c) For any reference to the Small Holdings and Allotments Acts there shall be substituted a reference to the Allotments (Scotland) Acts, 1892 to 1926; for any reference to section sixteen of the Allotments Act, 1922, there shall be substituted a reference to section sixteen of the Allotments (Scotland) Act, 1922; for any reference to section thirty-two of the Small Holdings and Allotments Act, 1908, there shall be substituted a reference to section eleven

Status: This is the original version (as it was originally enacted).

of the Allotments (Scotland) Act, 1892; for any reference to section four of the Allotments Act, 1925, there shall be substituted a reference to section one of the Allotments (Scotland) Act, 1926, and any reference to section eight of the said Act of 1925 shall not apply; and for any references to section twenty-one of the Land Settlement (Facilities) Act, 1919, there shall be substituted a reference to section twenty-two of the Land Settlement (Scotland) Act, 1919.

- (d) Section one of this Act shall apply as if the reference to local authorities were omitted.
- (e) The powers conferred by section two in regard to the acquisition of land shall, notwithstanding anything in the proviso to subsection (1) of that section, be without prejudice to the power of the Department under any Act for the time being in force to acquire land compulsorily for reclamation or drainage, and any land acquired under the last mentioned power shall be deemed to have been acquired under the said section two, and in the application of the said section the expression "owner" in the case of land held under an entail means the institute or heir of entail in possession, in the case of land subject to a life rent, means the liferenter and in any other case means the person entitled to the fee; the expression "agricultural buildings" means buildings which are included in any agricultural land and heritages as defined in the Rating and Valuation (Apportionment) Act, 1928; the chairman of the Scottish Committee of the Chartered Surveyors' Institution shall be substituted for the President of the Chartered Surveyors' Institution, and any reference to consultation with the council of the county shall be omitted.
- (f) Subsections (1) and (4) of section five and section six of this Act shall not apply, but the Department shall have power to provide, in accordance with the provisions of the Small Holding Colonies Acts, 1916 and 1918, or of the Small Landholders (Scotland) Acts, 1886 to 1919, either on land belonging to the Department or on land belonging to another person with the consent of that person, a holding for an unemployed person within the meaning of the said subsection (1) or for an agricultural worker, or for a person who, being or having been a member of His Majesty's Forces, has had a suitable course of training for agriculture, notwithstanding that such unemployed person, agricultural worker or other person would be unable to cultivate the holding unless the facilities set forth in subsection (2) of the said section five were extended to him.
- (g) Subsections (2), (3) and (5) of section five of this Act shall have effect as if for any reference to the provision under the powers conferred by that section of a small holding for an unemployed person, there were substituted a reference to the provision under the power conferred by the immediately preceding paragraph of a holding for an unemployed person or an agricultural worker, or a person who, being or having been a member of His Majesty's Forces, has had a suitable course of training for agriculture, and any reference to the said section five shall include a reference to the immediately preceding paragraph.
- (h) Subsection (3) of section sixteen of this Act shall apply with the substitution of a reference to the Agriculture (Scotland) Fund for any reference to the small holdings account.
- (i) Section one of the Land Settlement (Scotland) Act, 1919, which relates to the compulsory acquisition of land for the purposes of the Small Holding Colonies Acts, 1916 and 1918, shall have effect as if the limitation of the period, during which the powers thereby conferred may be exercised, were omitted, and any provision in any Act in force at the passing of this Act which limits the period for which that section is to remain in operation shall cease to have effect.

- (j) Subsection (3) of section eighteen of the Land Settlement (Scotland) Act, 1919, shall have effect as if for the purpose therein specified there were substituted the following purposes :—
 - (i) the provision of allotments or allotment gardens and the purchase or leasing and equipment of land therefor;
 - (ii) the making of grants or loans to local authorities or to societies or associations having as their object or one of their objects the provision of allotments or allotment gardens in aid of expenditure by such authorities, societies, or associations in connection with the provision of allotments or allotment gardens.
- (k) Subsections (8) and (9) of section two and sections seven, eight, nine, ten, twelve, and seventeen, and section eleven in so far as it relates to small holdings, and paragraph (c) of Part I of the First Schedule shall not apply.