



# Entail (Scotland) Act 1914

## 1914 CHAPTER 43

### 5 Obligations in leases

- (1) Subject to the limitation provided in section twelve of the Conveyancing (Scotland) Act, 1874, as to the liability of an heir for the debts of his ancestor, and notwithstanding any fetters of entail, any condition or obligation undertaken by an heir of entail in possession of an entailed estate in Scotland in any lease of a farm granted, by him as proprietor of such estate, or in any contract of agreement ancillary to any such lease, binding such heir of entail and his successors or representatives to take over from the tenant at the termination of the lease the sheep stock of the farm let by such lease, shall, in case of the lessor's death before fulfilment of such condition or obligation and to the extent of the normal and regular sheep stock of the farm and the value thereof to an incoming tenant, as such value shall be ascertained as herein-after provided, devolve and be binding upon the heir of entail in possession of the estate at the time when such condition or obligation becomes prestable, and such last-mentioned heir of entail and his heirs and executors and representatives whosoever shall, to the extent and value foresaid, and unless the lessor have otherwise provided, be liable to relieve the other heirs and the executors and personal representatives of the lessor of such condition or obligation, and to repay to the extent foresaid to such other heirs, executors, or personal representatives of the lessor any sums of money which they or any of them may have been liable to pay and may have paid under and in virtue of such condition or obligation.
- (2) For the purposes of this section the value to an incoming tenant of the normal and regular sheep stock on any farm shall, notwithstanding the provisions of the Agricultural Holdings (Scotland) Amendment Act, 1910, or any agreement providing for a different method of arbitration contained in the lease or other deed by which such condition or obligation is constituted, be determined by a single arbiter appointed by the parties mutually, whom failing by the Board of Agriculture for Scotland, in accordance with the provisions of section eleven of the Agricultural Holdings (Scotland) Act, 1908, and the procedure in such arbitration shall be regulated by the rules set out in the Second Schedule to the said last-mentioned Act, except that rules ten and sixteen of the said schedule shall not apply to such arbitration.
- (3) Nothing in this section contained shall prejudice or affect the right of the tenant to enforce any such condition or obligation as aforesaid against the heirs, executors, and

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

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representatives whomsoever of the lessor in the same way as if this Act had not been passed.

- (4) This section shall not apply to any condition or obligation undertaken in any lease which terminated before the passing of this Act, or in any contract or agreement ancillary to any such lease.