



Land Settlement (Scotland) Act 1919

1919 CHAPTER 97

An Act to make further provision for the acquisition of land for the purposes of Small Holdings, Reclamation, and Drainage, and other purposes relating to Agriculture in Scotland, to amend the Small Landholders (Scotland) Act, 1911, and the enactments relating to Allotments, and otherwise to facilitate land settlement in Scotland. [23rd December 1919.]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I

PROVISIONS AS TO THE ACQUISITION OF LAND

1 Compulsory acquisition of land for purposes of the Small Holding Colonies Acts, 1916 and 1918

- (1) With the consent of the Secretary for Scotland and the Treasury, land may, during the period of two years after the passing of this Act, be acquired compulsorily by the Board of Agriculture for Scotland (in this Act referred to as " the Board ") for the purposes of the Small Holding Colonies Acts, 1916 and 1918, and the powers of acquiring land by agreement under those Acts shall be exerciseable during the like period.
- (2) The word " experimental " occurring in section one of the Small Holding Colonies Act, 1916, and so much of section eleven of that Act and section one of the Small Holding Colonies Act, 1918, as limits the total area of the land which may be acquired by the Board, or restricts the powers of the Board in acquiring land to taking land on lease, purchasing land in consideration of an annual payment and taking land in feu or requires that three-fourths of the land for the time being acquired shall consist of land suitable to be cultivated as arable land, shall cease to have effect.

- (3) The Board shall, in addition to the powers conferred on them by the said Acts, have in relation to all land acquired by them thereunder; whether before or after the passing of this Act and wherever situated, and in relation to the tenants and small landholders occupying such land, the like powers which they possess in relation to land acquired under the Congested Districts (Scotland) Act, 1897, and in relation to the landholders, cottars and fishermen in that Act mentioned.

2 Acquisition of land for reclamation or drainage

With the consent of the Secretary for Scotland and the Treasury, the Board may, during the period of two years after the passing of this Act, acquire land, by agreement or compulsorily, for reclamation or drainage, and subsection (4) of section one and section three of the Small Holding Colonies Act, 1916 (which relate to the acquisition of land by agreement under that Act) shall apply for the purposes of this section.

3 Provisions as to compulsory acquisition of land, and entry on land to be acquired

- (1) For the purpose of the compulsory acquisition of land under the foregoing provisions of this Act, the provisions of the First Schedule to this Act shall have effect.
- (2) No order for the compulsory acquisition of land made under the provisions of this Act shall authorise the acquisition of any land which at the date of the order forms part of any park, or of any home farm attached to and usually occupied with a mansion house if the land is required for the amenity or convenience of the mansion house, or of any land which at that date forms part of any garden or pleasure ground, or which is woodland, not wholly surrounded by or adjacent to land acquired by the Board under this Act.
- (3) Where an Order for the compulsory acquisition of land has been duly made under the provisions of this Act, then at any time after a notice to treat has been served the Board may, after giving not less than fourteen days' notice to each owner, lessee, and occupier of the land or such part thereof as is specified in the notice, enter on and take possession of the land without previous consent or compliance with sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

4 Power to contract to pay feu duty, &c

Where, under the Small Holding Colonies Acts, 1916 and 1918, the Board has power to purchase land in consideration of a feu duty, ground annual, or other annual payment, the Board shall have power and shall be deemed always to have had power to contract to pay the feu duty, ground annual, or other annual payment as and when it becomes due.

5 Compensation to labourers

- (1) In any case of acquisition of land by the Board under this Act, subsection (5) of section one of the Small Holding Colonies Act, 1916 (which relates to compensation to labourers), shall apply with the substitution of references to this Act for references to that Act.

- (2) Subsection (2) of section five of the Congested Districts (Scotland) Act, 1897 (which confers power upon limited owners to sell land for the purposes of that Act) shall apply to the purchase of land under the Small Holding Colonies Acts, 1916 and 1918, or under this Act, with the substitution of references to those Acts or to this Act, as the case may be, for references to that Act.

6 Duty of Board with respect to sale or lease of land

- (1) Land acquired by the Board under the Small Holding Colonies Acts, 1916 and 1918, shall be sold or let by the Board at such price or rent as in the opinion of the Board is reasonable.
- (2) The Board may give to the tenant of a small holding an option to purchase the holding on such terms as may be agreed and may be consistent with the provisions of this section, and on any such sale any increase in the value of the land due to improvements executed by and at the expense of the tenant shall not be taken into account as affecting the price to be paid for the land.
- (3) A tenant of a holding provided by the Board on land acquired by the Board who has been in occupation thereof for a period of not less than six years shall, on notice of his desire to purchase the holding being given to the Board at any time before the tenant has received notice to quit, be entitled to require the sale to him of the holding at the expiration of one month from the date of the notice at the then value of the holding, exclusive of any increase of the value thereof due to any improvement executed thereon by and at the expense of the tenant, and thereupon the Board shall in the first instance sell the holding to the tenant accordingly, unless the Board obtains the consent of the Secretary for Scotland to the requirements of the tenant being refused by the Board.
- (4) The value of the holding shall, in default of agreement, be determined by the Scottish Land Court.
- (5) Before selling any land which, in the opinion of the Board, is not required for the purposes of this Act, the Board shall, subject as hereinafter provided, offer the land to the person from whom it was purchased or his successor in title at a price to be determined, failing agreement, by the Scottish Land Court:

Provided that, if in the opinion of the Board the land is suitable for afforestation, the Board shall in the first instance consult the Forestry Commission and shall give the Forestry Commissioners an opportunity of acquiring such land.

7 Powers of Board with respect to land acquired

Without prejudice to any other power conferred on the Board by the Congested Districts (Scotland) Act, 1897, or the Small Holding Colonies Acts, 1916 and 1918, the Board shall have power in any case where in their opinion it is necessary or expedient so to do for the better carrying into effect the purposes of those Acts or of this Act—

- (a) to erect, repair, or improve dwelling-houses and other buildings on any land acquired by the Board, or to execute any other improvement on or in connection with and for the benefit of any such land, or to arrange with the tenant or holder of any such land for the execution of any such improvement on such terms as may be agreed:
- (b) to sell, excamb, or let any such land or any right or interest therein : and

- (c) generally to manage any such land.

8 Power of entry to inspect land

The Board, with a view to ascertaining whether any land is suitable for any purpose for which the Board have power to acquire land, may, by writing in that behalf, authorise any person (upon production if so required of his authority) to enter and inspect the land specified in the authority, and not less than four days' clear notice of any intention so to enter and inspect shall be given by the Board to the landlord or to his agent and to the occupiers of the land, and anyone who obstructs or impedes any person acting under and in accordance with any such authority, after such notice has been given, shall be liable on summary conviction to a penalty not exceeding twenty pounds.

PART II

AMENDMENT OF THE SMALL LANDHOLDERS (SCOTLAND) ACT, 1911

9 Amendment of section 7 of Act of 1911

For subsections (8), (9), (10) and (11) of section seven of the Small Landholders (Scotland) Act, 1911 (in this Act referred to as the Act of 1911), there shall be substituted the following subsections:—

“(8) (a)

Where the Board are satisfied that there is a demand for small holdings and that suitable land is available for that purpose, it shall be the duty of the Board to prepare a scheme for the constitution of one or more new holdings on such land, to be occupied by new holders upon such terms and conditions not inconsistent with the Landholders Acts as the Board think reasonable. " (b) Every such scheme shall show—

- (i) the situation and total area of the land on which one or more new holdings are to be constituted ;
- (ii) the number and respective situations and areas of the new holdings ;
- (iii) which, if any, of the existing buildings on the land are to be utilised for the new holdings;
- (iv) the water supply for each new holding, including the source from which the supply is to be taken, and any necessary pipes or other works ;
- (v) the situation and area of any common pasture or grazing to be occupied in connection with the new holdings ; and
- (vi) the rent of each new holding. " (c) Where the Board are satisfied that there is net available on the land on which the new holdings are to be constituted a supply of water sufficient for the holdings, they may include in the scheme provision for taking and conveying from or through any part of the estate whereof such land forms part such supply of water as may be necessary for the new holdings and which can be taken without detriment to the requirements of the remainder of the estate ; and, for the purposes of this section, any land from or through which such supply of water is to be taken or conveyed shall be deemed to be comprised in the scheme.

- (9) " Where the Board intend to prepare such a scheme, they shall give notice of their intention to the landlord of any land which is to be comprised therein, and when a landlord has received such notice it shall not be lawful for him, save with the consent of the Board, to let or to enter into any agreement for letting such land or any part thereof until the Board have made an order confirming the scheme, or have abandoned the same :
- " Provided that—
- (a) such disability shall not in any case continue for a longer period than six months from the date of notice, and
 - (b) for any loss sustained by a landlord, tenant, or occupier from the operation of this subsection, the Board shall pay to him such compensation as may be agreed or as may be determined, failing agreement, by the Land Court on the application of either party.
- (10) " When the Board have prepared a scheme under this section, they shall intimate the prepared scheme to the landlord, tenant and occupier of any land comprised therein, and shall give to such landlord, tenant and occupier, an opportunity of considering the scheme and of making representations concerning the same to the Board, and after giving to all persons interested an opportunity of being heard may, with the consent of the Secretary for Scotland, make an order confirming the scheme, in whole or in part, and with or without modification, or may abandon the scheme.
- (11) " —(a) Where the Board make any such order, they shall notify the same to the landlord, tenant and occupier of any land comprised therein, and shall pay to such landlord, tenant and occupier such compensation for any damage or injury done to him in consequence of and directly attributable to the constitution of new holdings under the scheme (including any damage or injury done to a landlord in respect of an obligation to take over sheep stock at a valuation) as may be agreed or as may be determined, failing agreement, by the Land Court, upon the application of either party, and after giving to all persons interested an opportunity of being heard, and, if they so desire, of leading evidence in the matter. " (b) The compensation payable under this subsection shall not include —
- (i) any allowance on account of the constitution of new holdings being compulsory :
 - (ii) any compensation for injury done to or depreciation in the selling value of the land comprised in the scheme, or of any estate whereof such land forms part, except in so far as the same arises from injury done to or depreciation in the letting value of the, land or estate ; or
 - (iii) any compensation for injury done to the value of the sporting rights over such land or estate in so far as it exceeds the estimated value of such rights if the land or estate were put to the full reasonable use for which it could be let under ordinary lease to ordinary agricultural or pastoral tenants :
- " (c) For the purpose of this subsection, any benefit or relief enhancing the letting value of the land comprised in the scheme or of any estate of which such land forms part resulting to a landlord or to any other person in consequence of and directly attributable to the constitution of new holdings under the scheme upon the one hand shall be set against any damage or injury done to him as aforesaid upon the other hand. " (d) In

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determining the amount of compensation payable to the tenant of any farm, regard shall be had to the duration of his lease, and in no case shall any allowance for loss of tenant's profits be made in respect of a period exceeding three years. " (e)—(i) Where any compensation has been awarded and the amount thereof determined by the Land Court under this subsection, the Board may, at any time within two months after such determination, resolve to abandon the scheme and withdraw the order, paying to any person any expenses reasonably incurred by him in connection with the making of the order or the claim for compensation, as such expenses may, failing agreement, be determined by the Land Court on the application of either party.

- (ii) Subject to the foregoing provision, every order made by the Board for the constitution of new holdings shall be recorded in the Landholders' Holdings Books as if it were an order of the Land Court, and shall thereupon have effect and be enforceable in like manner as an order of the Land Court so recorded. " (f) In any case where the Board have entered into an agreement with a landlord or a tenant or any other person for or in connection with the constitution of one or more new holdings upon land in which such landlord, tenant or other person is interested, the Board may pay to any person so interested, whether a party to the agreement or not, such compensation (or other consideration in money), if any, as the Board consider equitable and consistent with the provisions of this subsection in respect of any damage or injury done to him in consequence of and directly attributable to the constitution of the new holdings, and it may be a term of any such agreement entered into by the Board with a landlord that section seventeen of this Act shall apply in respect of any such new holding as if the holding had been constituted otherwise than by agreement, and in that case the said section shall apply accordingly. " (g) Where any landlord interested represents to the Secretary for Scotland that a prepared scheme ought not to be confirmed, the Secretary may, before giving his consent to the scheme, refer the same to the Land Court for inquiry and report."

10 Erection of fences

Where the Board make any order for the constitution of new holdings, they shall, if so requested by the landlord, be bound to erect and maintain, or cause to be erected and maintained, such march fence, or fences, as may be necessary to prevent the stock of the landholder straying beyond the limits of the land comprised in the scheme, any dispute as to the necessity for or the adequacy of such fence or fences to be settled failing agreement by the Land Court.

11 Amendment of section 16 of Act of 1911

For the proviso to subsection (1) of section sixteen of the Act of 1911 (which relates to amendment of law as to enlargement of holdings) there shall be substituted the following proviso:—

“Provided that all applications for enlargement under section eleven of the Act of 1886 shall be made to the Board, and the provisions of the section of this Act relating to the constitution of new holdings shall, with the necessary modifications, apply

as fully for the purpose of applications for enlargement as for the purpose of the constitution of new holdings, and accordingly the Board shall be substituted for the Land Court in sections twelve (except the last paragraph of the said section twelve), thirteen, fourteen, fifteen and twenty-one of the Act of 1886 (except the last two paragraphs of the said section twenty-one), and the said section twenty-one shall "be further amended by the omission therefrom of the words ' or otherwise interested in ' and of the words ' including heritable creditors holding securities over the same ."

12 Amendment of section 17 of Act of 1911

Section seventeen of the Act of 1911 (which relates to amendment of law as to vacant holdings) shall be amended by the addition thereto of the following proviso :—

"Provided further that, where a landlord lets a holding otherwise than in compliance with the provisions of this section, the Board shall be entitled to declare the let null and void and without payment of any compensation to treat the holding as if it had been duly constituted a new holding under this Act, or assign the same for the enlargement of a neighbouring holding or holdings."

13 Amendment of provisions as to bequest and assignment of holding

For the purposes of section sixteen of the Crofters' Holdings (Scotland) Act, 1886 (which relates to bequest of holding), and of section twenty-one of the Act of 1911 (which relates to assignment of holding), the son-in-law of a landholder shall be deemed to be a member of the landholder's family.

14 Powers of Land Court as to common pastures or grazings

For subsection (5) of section twenty-four of the Act of 1911 shall be substituted the following subsection :—

“(5) (a)

The Land Court may, on the application of the landlord, or landlords, or any landholder, and on such conditions as they consider equitable, apportion a common pasture or grazing into separate parts for the exclusive use of the several townships or persons interested, either as arable ground or as pasture, or as sites for houses or other buildings, if satisfied that such apportionment is for the good of the estate or estates, and of the holdings or tenancies concerned. " (b) The Land Court may, on the like application, or on the application of the Board, and on the like conditions, admit new holders to participate in a common pasture or grazing occupied by existing landholders, statutory small tenants, or others, or apportion a common pasture or grazing for the' exclusive use of new holders, either in common or individually, and either as arable ground or pasture, or as sites for houses or other buildings, if satisfied that such participation or apportionment is for the good of the estate or estates and of the holdings or tenancies concerned. " (c) The Land Court may, on the application of the Board, and on the like conditions, grant pasture or grazing rights on a common pasture or grazing to cottars who have been in use to pasture or graze stock thereupon.”

15 As to land within burgh in crofting counties

Notwithstanding anything contained in paragraph (c) of subsection (3) of section twenty-six of the Act of 1911, or in the reference to that paragraph in subsection (4) of the said section, a person shall be admissible to registration as a new holder under the Act of 1911 in respect of land within the parliamentary, police, or municipal boundary of any burgh or police burgh situate in the counties of Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, and Orkney and Shetland.

16 Power to make advances to land banks, &c

In addition to the purposes mentioned in section six of the Act of 1911, the Board may, on such terms and conditions as they think proper, with the approval of the Secretary for Scotland and the Treasury, apply the Agriculture (Scotland) Fund constituted under section five of that Act in making or guaranteeing advances, either directly or indirectly, to land banks or co-operative or credit societies having for their object or one of their objects the assistance of tenants under Part I. of this Act, landholders, or statutory small tenants, in the stocking, equipment, and profitable working of their holdings.

17 Consequential and minor amendments of Act of 1911

The amendments specified in the second column of the Second Schedule to this Act (which relate to consequential and minor matters) shall be made in the provisions of the Act of 1911 mentioned in the first column of that schedule.

PART III**ALLOTMENTS****18 Powers relating to allotments**

- (1) The powers and duties of county councils under the Allotments (Scotland) Act, 1892 (in this Act referred to as the Act of 1892), shall be transferred to parish councils, and the provisions of Part IV. of the Local Government (Scotland) Act, 1894 (except section twenty-five of that Act), shall apply to the exercise and performance of the powers and duties transferred to or conferred and imposed on parish councils by this Part of this Act as if they had been conferred and imposed by the said Part IV. of that Act.
- (2) The powers and duties conferred and imposed on town councils by this Part of this Act shall be exercised and performed as if they had been conferred and imposed by the Act of 1892, and all expenses incurred by a town council under that Act shall be defrayed out of the public health general assessment or out of moneys borrowed on the security of that assessment, under and subject to the provisions of the Public Health (Scotland) Act, 1897, relating to that assessment and to money so borrowed.
- (3) The Board may, with the approval of the Secretary for Scotland, apply moneys out of the Agriculture (Scotland) Fund to an amount not exceeding four thousand pounds in any one year for the purpose of encouraging and developing the provision of allotments throughout Scotland in such manner as they think fit.

19 Allotments consultative committees in certain burghs

In the case of every burgh where the Secretary for Scotland so requires, it shall be the duty of the town council annually to appoint a committee, which may consist in whole or in part of persons who are not members of the council, to consult with the council on matters relating to the provision, equipment, and management of allotments.

20 Land for allotments

If a local authority are unable by agreement to acquire by purchase or leasing suitable land for allotments at a reasonable price or rent and subject to reasonable conditions, the authority may apply to the Board for an order for the compulsory acquisition by purchase or leasing of the land specified in the application, and for the purpose of such acquisition the provisions of the First Schedule to this Act shall have effect.

21 Temporary use for allotments of land acquired for other purposes

Where any land belonging to a local authority is not immediately required for the purpose for which it was acquired, and is in the opinion of the authority suitable for temporary use in the form of allotments, the authority may, with the consent of the Secretary for Scotland, make the land available for such use, subject to any necessary conditions and restrictions as to tenure and otherwise.

22 Provisions as to allotments

- (1) A local authority may purchase any fruit-trees, seeds, plants, fertilizers, or implements required for the purposes of allotments cultivated as gardens, whether provided by the authority or otherwise, and sell any article so purchased to the cultivators, or, in the case of implements, allow their use, at a price or charge sufficient to cover the cost of purchase :

Provided that the powers conferred by this subsection shall be exercisable only where, in the opinion of the authority, the facilities for the purchase or hire of the articles aforesaid from a society on a co-operative basis are inadequate.

- (2) Any person who by any act done without lawful authority or by negligence causes damage to any crops growing on an allotment cultivated as a garden shall be liable on summary conviction to a penalty not exceeding five pounds.
- (3) Stamp duty shall not be payable on any lease or agreement for the letting of any allotment or garden, whether provided by a local authority or otherwise, or on any duplicate or counterpart of such lease or agreement, where the rent does not exceed ten shillings per annum, and no consideration other than the rent is paid.

23 Consequential and minor amendments of Act of 1892

The amendments specified in the second column of the Third Schedule to this Act (which relate to consequential and minor matters) shall be made in the provisions of the Act of 1892 mentioned in the first column of that schedule.

24 Interpretation

In this Part of this Act, the expression " parish council " has the same meaning as in Part IV. of the Local Government (Scotland) Act, 1894, and the expression "local authority" has the same meaning as in the Act of 1892.

25 Commencement of Part III of Act

This Part of this Act shall come into operation on the first day of January, nineteen hundred and twenty.

PART IV

FINANCIAL

26 Loans to Board

- (1) The Board may borrow money as in this section provided for the acquisition and adaptation of land for the purposes of Part I. of this Act, and for the adaptation of land for landholders under the Act of 1911.
- (2) During the period from the commencement of this section to the expiration of two years after the passing of this Act, the Treasury may issue to the Public Works Loan Commissioners out of the Consolidated Fund of the United Kingdom or the growing produce thereof, sums not exceeding in the aggregate two million seven hundred and fifty thousand pounds, and the Public Works Loan Commissioners may make loans to the Board out of the sums so issued on such terms and conditions as the Treasury may prescribe.
- (3) At the end of the financial year ending on the thirty-first day of March in the year nineteen hundred and twenty, and of each subsequent year, the Board shall submit to the Treasury, in such form as the Treasury may prescribe, a statement of the loss (if any) which has been reasonably or necessarily incurred by the Board during the financial year so far as such loss relates to expenditure out of loans under this section, and the amount of such loss, to the extent approved by the Treasury, shall 'be paid out of moneys provided by Parliament.
- (4) If the Treasury so prescribe, and subject to any regulation which may be made by the Treasury, any moneys lent to the Board under this section may be paid into and administered as part of the Agriculture (Scotland) Fund constituted under section five of the Act of 1911.
- (5) References in this section to Part I. of this Act include references to the Congested Districts (Scotland) Act, 1897, and the Small Holding Colonies Acts, 1916 and 1918, and the expression "adaptation of land" includes the taking over of sheep stock at a valuation and all operations carried out on the laud by the Board under their statutory powers.
- (6) This section shall be deemed to have had effect as from the first day of April nineteen hundred and nineteen.

27 Further money to be placed at disposal of Board

In addition to the sums not exceeding one hundred and eighty-five thousand pounds specified in section five of the Act of 1911 there shall be placed at the disposal of the Board for the purposes specified in section six of the said Act, during each of the ten years commencing the first day of April in the year nineteen hundred and twenty, a sum not exceeding fifteen thousand pounds, annually voted by Parliament for the said purposes; and any sums so voted shall be paid into and administered as part of the Agriculture (Scotland) Fund constituted under section five of the said Act.

PART V

GENERAL

28 Preference for persons who have served in war

During the period of two years after the passing of this Act, it shall be the duty of the Board, in selecting persons to be settled on any land belonging to the Board, and in considering applications for the registration of new holders or the enlargement of existing holdings under the Small Landholders (Scotland) Acts, 1886 to 1911, as amended by this Act, to give preference to suitable persons who have served in the forces of the Crown in the present or in any previous war.

29 Advances to tenants of small holdings

During the period of two years after the passing of this Act, and subject to the provisions of any regulations made by the Treasury, the Board may make or provide for making or guarantee an advance by way of loan to any tenant of a small holding provided by the Board under the Small Holding Colonies Acts, 1916 and 1918, or to any new holder of a small holding under the Small Landholders (Scotland) Acts, 1886 to 1911, as amended by this Act, who is registered as Such after the passing of this Act, of such sums as the Board think necessary for the purchase of live stock, seeds, fertilisers, and implements required for the purposes of the holding; and the making or provision for the making of such advances shall be a purpose for which the Board may borrow money under the section of this Act relating to loans to the Board.

30 Provisions as to land taken under the Defence of the Realm Regulations

- (1) For removing doubts it is hereby declared that section one of the Defence of the Realm (Acquisition of Land) Act, 1916, applies to land of which possession has been taken by the Board under the powers conferred by regulations 2L and 2M of the Defence of the Realm Regulations, and that the Board are entitled whilst in possession, by themselves or by any person deriving title under them, of the land, after the termination of the present war, to exercise in relation thereto any of the powers conferred by those regulations for such term and subject to such conditions as are mentioned in the said Act.
- (2) Where at the termination of the present war a local authority are exercising powers under the said Regulation 2L in respect of land of which the local authority are owners or occupiers, the local authority may continue to exercise those powers in relation to that land until the expiration of two years from the termination of the present war, and the provisions of paragraph (6) of the said regulation shall apply accordingly.

31 Construction

- (1) This Act, so far as it amends the Act of 1911, shall be construed as one with that Act, and references in this Act to that Act or to any provision of that Act shall be construed as references to that Act or provision as amended by this Act.
- (2) References in this Act to the Act of 1892 shall be construed as references to that Act as amended by this Act.
- (3) References in this Act to the Small Holdings Colonies Acts, 1916 and 1918, shall be construed as references to those Acts as amended by this Act.

32 Repeal

The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

33 Citation

This Act may be cited as the Land Settlement (Scotland) Act, 1919, and the Small Landholders (Scotland) Acts, 1886 to 1911, and so much of this Act as amends the Act of 1911 may be cited together as the Small Landholders (Scotland) Acts, 1886 to 1919.

FIRST SCHEDULE

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND

- (1) Where under this Act the Board propose to acquire land compulsorily or to provide for the compulsory acquisition of land by a local authority, the Board may prepare an Order putting in force as respects the land specified in the Order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.
- (2) The Order shall be in the prescribed form, and shall contain such provisions as may be prescribed for the purpose of carrying the Order into effect, and shall incorporate, with any necessary adaptations, the Lands Clauses Acts (except the provisions thereof relating to the" sale of superfluous lands), and sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845, and those Acts shall apply accordingly.
- (3) The Order shall be published by the Board in the prescribed manner, and such notice as may be prescribed shall be given both in the locality in which the land specified in the Order is situate, and to the owners or reputed owners, lessees or reputed lessees, and occupiers of that land.
- (4) Any person having a right or interest in the land specified in the Order may, within the prescribed period, present in writing to the Board an objection to the making of the Order.
- (5) If within that period no such objection has been so presented, or every such objection so presented has been withdrawn, the Board may, subject to the approval of the Secretary for Scotland, forthwith make the Order ; but, if any such objection has been duly presented and has not been withdrawn, the Board shall take the same into consideration, and, after such inquiry (if any) as they think fit, may either withdraw the Order, without prejudice to the preparation and making of a new Order, or may make the Order with or without modification, subject to the approval aforesaid.
- (6) In the case of an Order providing for the compulsory acquisition by leasing of land for allotments—
 - (a) the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, so far as applicable to compulsory leasing, shall apply with the necessary modifications ; and
 - (b) the provisions of section twenty-six of the Local Government (Scotland) Act, 1894, shall apply with the necessary modifications ; and in such application references to a parish and to a parish council shall include references respectively to a burgh and to a town council ; references to the county council and to the Local Government Board for Scotland shall be construed as references to the Board ; references to section twenty-five of the said Act of 1894 shall be construed as references to this schedule ; and the reference to allotments last occurring in subsection (1) of the said section twenty-six shall include a reference to common pasture.
- (7) Any Order made under this schedule with the approval of the Secretary for Scotland shall have effect as if enacted by Parliament.
- (8) —(a) In construing, for the purposes of this schedule, or any Order made thereunder, any enactment incorporated with the Order, this Act together with the Order shall be

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deemed to be the Special Act, and the Board or the local authority, as the case may be, shall be deemed to be the promoters of the undertaking.

- (b) In this schedule, the expression " land " includes water and any-right or servitude to or over land or water, and " prescribed" means prescribed by the Secretary for Scotland.

SECOND SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE ACT OR 1911

Enactment to be amended.	Amendment.
<p>Small Landholders (Scotland) Act, 1911 (1 & 2 Geo. 5. c. 49).</p> <p>Section 7</p>	<p>At the end of subsection (6) the following words shall be inserted:—</p> <p style="padding-left: 40px;">“nor shall the rent pay-”able in respect of a new holding constituted " by a scheme made under this section be so " altered for a like period ".</p> <p>In subsection (12) for the words " Land Court " there shall be substituted the word “Board”.</p> <p>At the end of subsection (18) the following words shall be inserted:—</p> <p style="padding-left: 40px;">“and any other”land which has been or may be acquired by "the Board".</p>
<p>Section 24</p>	<p>In subsection (3) after the words " or the Land " Court," there shall be inserted the words</p> <p style="padding-left: 40px;">“or the Board,”</p> <p style="padding-left: 40px;">“or from the Board”.</p>
<p>Section 35</p>	<p>For the words "Land Court" there shall be substituted the word</p> <p style="padding-left: 40px;">“Board.”</p>

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

THIRD SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE ACT OF 1892

Enactment to be amended.	Amendment.	
The Allotments (Scotland) Act, 1892 (55 & 56 Vict. c54).		
Section 2	For the word " county," wherever occurring, there shall be substituted the word "parish".	
Section 3	.In paragraphs (a) and (b) of subsection (5), and in subsection (7). for the words " local authority," wherever occurring, there shall be substituted the words "Board of Agriculture " "an order",	
Section 12	For the words " any parish in their county " there shall be substituted the word "parish".	
Section 14	j For the word " county," wherever occurring, there shall be substituted the word "parish".	
Section 16	In the definition of " local authority," for the words "in a county the county council" there shall be substituted the words "elsewhere" than in a burgh the parish council".	

FOURTH SCHEDULE

ENACTMENTS REPEALED

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 54.	The Allotments (Scotland) Act, 1892.	In subsection (1) of section two, the words "in some parish," the words "for the labouring population," the

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		<p>words " in any parish," and the words " belonging to the labouring population ". Subsections (2), (3) and (4) of section three. Section four. Subsection (2) of section seven. Section ten. In section eleven, the proviso to subsection (2), and subsection (3). In section twelve, the word "labouring ". Section thirteen.</p>
57 & 58 Vict. c. 58.	The Local Government (Scotland) Act, 1894.	In section twenty-four, the first paragraph of subsection (4).
1 & 2 Geo. 5. c. 49.	The Small Landholders (Scotland) Act, 1911.	<p>Subsection (6) of section four. Subsections (2), (3), (4) and (5) of section seven. In subsection (7) of section seven, the words " upon consideration of " a report by the Commissioner " for Small Holdings ". In section seventeen, the words " subject to the like procedure " and right of alternative arbitration as provided in subsection " (11) of section seven of this " Act".</p>
6 & 7 Geo. 5. c. 38.	The Small Holding Colonies Act, 1916.	<p>In section one, as respects Scotland, the words " During the continuance of the present war " and a period of twelve months " thereafter," and the word " experimental ". Paragraph (c) of section eleven.</p>
8 & 9 Geo. 5. c. 26.	The Small Holding Colonies (Amendment) Act, 1918.	Section one from " and paragraph (c) " to " the same in feu."
9 & 10 Geo. 5. c. 57.	The Acquisition of Land (Assessment of Compensation) Act, 1919.	In section eleven, paragraph (a) of subsection (1).