



# Agriculture (Scotland) Act 1948

## 1948 CHAPTER 45

### PART IV

#### ACQUISITION OF LAND.

*General powers of acquisition and management of land by the Secretary of State.*

**55 Power of Secretary of State to acquire land by agreement.**

The Secretary of State may by agreement acquire whether by way of purchase, feu, lease, excambion or otherwise—

- (a) any land used for agriculture;
- (b) any other land which in the opinion of the Secretary of State ought to be brought into use for agriculture;
- (c) where any such land as aforesaid is offered to the Secretary of State for acquisition by him on the condition that he also acquires other land not falling within the two foregoing paragraphs, that other land;
- (d) any other land as respects which power is conferred on the Secretary of State by this Act to purchase the land compulsorily in accordance with the provisions of this Act in that behalf.

**56 Acquisition by Secretary of State of land for research experiment and demonstration.**

The Secretary of State may acquire by compulsory purchase in accordance with the provisions of this Act in that behalf any land for the purposes of agricultural research or experiment or of demonstrating agricultural methods.

**57 Acquisition of land by Secretary of State to ensure full and efficient use thereof.**

- (1) Where—

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (a) the Secretary of State is satisfied in the case of any agricultural land that the full and efficient use of the land for agriculture is being prevented by reason of work not being carried out or fixed equipment not being provided, and that having regard to the nature of the work or equipment required for such use of the land as aforesaid it cannot reasonably be expected to be carried out or provided unless the Secretary of State exercises his powers under this subsection; or
- (b) the Secretary of State is satisfied in the case of any agricultural land that the full and efficient use of the land for agriculture will be prevented if existing fixed equipment thereon is not maintained, and that having regard to the nature of the equipment it cannot reasonably be expected to be maintained unless the Secretary of State exercises his powers under this subsection; or
- (c) agricultural land has been severed from other such land in the exercise of powers conferred, for purposes other than agricultural purposes, by or under any enactment, or has been otherwise injuriously affected in the exercise of such powers, or such powers have been conferred and the Secretary of State is satisfied that they will be exercised so that agricultural land will be severed or otherwise injuriously affected as aforesaid, and (in any case) the Secretary of State is satisfied that the full and efficient use of the land for agriculture cannot be achieved unless the land is used therefor in conjunction with other land and that it cannot reasonably be expected to be so used unless the Secretary of State exercises his powers under this subsection,

then, if the Secretary of State proposes to secure the carrying out of the work, the provision or maintenance of the equipment, or the use of the land in conjunction with other land, as the case may be, he may acquire the land or any part thereof by compulsory purchase in accordance with the provisions of this Act in that behalf.

- (2) Before proceeding with the acquisition of land under paragraph (a) or paragraph (b) of the last foregoing subsection the Secretary of State shall refer to the Land Court for their report thereon the question whether the conditions are fulfilled as to which, under the said paragraph (a) or (b), as the case may be, the Secretary of State must be satisfied before acquiring the land, and shall take into consideration the report of the Land Court, and the Secretary of State shall make a similar reference to the Land Court before proceeding with the acquisition of land under paragraph (c) of the foregoing subsection or subsection (5) of this section if the owner of the land so requires.
- (3) On any such reference the Land Court, after inspecting the land in question and making such other enquiries as appear to them requisite and after affording an opportunity of being heard to the owners, lessees and occupiers of the land in question, shall prepare and submit to the Secretary of State a report on the question referred to them containing such information as to work to be carried out or fixed equipment to be provided or maintained as mentioned in the said paragraph (a) or (b) as appears to the Land Court necessary for indicating whether such work or equipment can reasonably be expected to be carried out, provided or maintained without the exercise by the Secretary of State of his powers under subsection (1) of this section.
- (4) The Secretary of State shall serve a copy of the report submitted under the last foregoing subsection on the owners, lessees and occupiers of the land to which the report relates.
- (5) The Secretary of State may acquire by compulsory purchase in accordance with the provisions of this Act in that behalf any land as to which he is satisfied that its

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

acquisition by him is necessary in order to put to full and efficient use for agriculture land acquired by him under subsection (1) of this section.

**58 Amendment of 4 and 5 Geo. 6. c. 50, ss. 9 and 10, and 6 and 7 Geo. 6. c. 16, s. 16.**

Nothing in section nine or ten of the Agriculture (Miscellaneous Provisions) Act, 1941, or section sixteen of the Agriculture (Miscellaneous Provisions) Act, 1943, shall require the Secretary of State, in the case of land acquired by him under the said section nine or sixteen, to resell the land except in pursuance of an offer made and duly accepted under subsections (i) to (4) of the said section ten.

**59 Transfer to Secretary of State of land vested in other government departments.**

- (1) The appropriate Ministers may by order provide for the transfer to and vesting in the Secretary of State of any interest in land, being an interest belonging to a government department or held on behalf of His Majesty for the purposes Of any government department, in any case where it appears to the appropriate Ministers to be expedient that the interest should be transferred to the Secretary of State either on the ground that it is no longer required to be held for the purpose for which it was acquired or otherwise, and any order under this section may contain such incidental and supplementary provisions as appear to the appropriate Ministers necessary or expedient for giving effect to the order.
- (2) In this section the expression " the appropriate Ministers " means the Secretary of State and the Minister in charge of the government department in question.

**60 Power of Secretary of State to appropriate land.**

The Secretary of State may by order made with the consent of the Treasury provide for the appropriation by him for the purposes of any function conferred on him by any enactment of any interest in land acquired by or vested in him for the purposes of any function conferred on him by any other enactment; and an order under this section may contain such incidental and supplementary provisions as appear to the Secretary of State necessary or expedient for giving effect to the order.

**61 Powers of management etc. of land acquired by Secretary of State.**

- (1) The Secretary of State may manage, farm, sell, let or otherwise deal with or dispose of land acquired by him under this Act—
  - (a) in such manner as appears to him expedient for the purpose for which the land was acquired; or
  - (b) if he is satisfied that the land ought to be devoted to some other purpose, in such manner as appears to him expedient therefor.
- (2) The Secretary of State may manage, farm or let any land which is placed at his disposal for the purpose, being land an interest in which belongs to a government department or is held in trust for His Majesty for the purposes of a government department, or an interest in which belongs to any Authority, Board, Commission or body constituted by or under any Act which embodies any scheme for the carrying on of any industry, or part of an industry, or any undertaking, under national ownership, or control.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (3) The Secretary of State shall have power to provide such facilities for the welfare of tenants of, or other persons employed in agriculture on, land managed by him as he thinks expedient.

**62 Repeal of 21 and 22 Geo. 5. c. 41, ss. 1 to 4.**

Sections one to four of the Agricultural Land (Utilisation) Act, 1931 (which enable the Secretary of State to acquire land for demonstration farms and for reclamation) shall cease to have effect.

*Provisions as to compulsory acquisition of land.*

**63 Procedure for compulsory purchase of land.**

- (1) Subject to the provisions of this and of the next following section, where under any provision of this Act power is conferred on the Secretary of State to purchase land compulsorily, the power shall be exercisable for the purchase of any particular land on . the Secretary of State being authorised so to purchase the land in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, and that Act shall apply accordingly—
- (a) as if paragraph (a") of subsection (1) of section one thereof (which refers to the compulsory purchase of land by the Secretary of State under the National Health Service (Scotland) Act, 1947) included a reference to any compulsory purchase of land by the Secretary of State under this Act; and
  - (b) as if this Act had been in force immediately before the commencement of the said Act of 1947:

Provided that section two of that Act (which confers temporary powers for the speedy acquisition of land in certain cases) shall not apply to any compulsory purchase of land under this Act.

- (2) Where under any provision of this Act .power is conferred on the Secretary of State to purchase any particular land compulsorily on the giving of a certificate by him, the certificate shall have effect as if it were a compulsory purchase order made under section one of the said Act of 1947, and—
- (a) where the certificate relates to land falling within subsection (2) of the said section one (which applies to purchases of local authorities' and statutory undertakers' land, commons, open spaces, land held inalienably by the National Trust for Scotland and ancient monuments and other objects of archaeological interest, the special procedure set out in Part III of the First Schedule to that Act) the certificate shall be embodied in an order of the Secretary of State and the said Part III shall apply accordingly;
  - (b) subsection (3) of the said section one and the Second Schedule to the said Act of 1947 (which provide for incorporation of the Lands Clauses Acts and other enactments) shall have effect in relation to the purchase, and anything which under that Schedule may be provided by a compulsory purchase order may be provided by the said certificate;
  - (c) in the application to the certificate of Part IV of the First Schedule to the said Act of 1947 (which relates to the validity and coming into operation of compulsory purchase orders) for references to the first publication of notice of the making of an order there shall be substituted references to the service of

***Status:** This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

notice of the giving of the certificate, and for references to the requirements of the said First Schedule and of regulations made thereunder there shall be substituted references to the requirements of this Act as to the proceedings to be taken before the giving of the certificate.