



# Agriculture (Scotland) Act 1948

## 1948 CHAPTER 45

### PART VI

#### ADMINISTRATIVE.

##### *The Land Court.*

#### **70 Provisions as to appointment of additional members of the Land Court.**

- (1) The number of persons who may be appointed by His Majesty by virtue of section three of the Small Landholders (Scotland) Act, 1911, to be members of the Scottish Land Court (in this Act referred to as " the Land Court ") shall be increased from five to seven; and accordingly the said section three shall have effect as if in subsection (1) for the word " five " there were substituted the word " seven. "
- (2) Any increase arising by reason of the provisions of this section in the sums charged on the Consolidated Fund of the United Kingdom under the said section three, and in the expenditure incurred under the Scottish Land Court Act, 1938, shall respectively be charged on and paid out of that Fund and defrayed out of moneys provided by Parliament.

#### **71 References to the Land Court.**

- (1) In any case where by any of the provisions of this Act a person is empowered to require that a proposal of the Secretary of State to take any action shall be referred to the Land Court, then if within the prescribed time and in the prescribed manner the said person so requires, the proposal shall be referred accordingly.
- (2) On any such reference the Land Court shall determine
  - (a) whether the conditions as to which the Secretary of State must be satisfied before taking the action are fulfilled, and
  - (b) whether, having regard to their determination under the foregoing paragraph and to all the circumstances of the case, the Secretary of State should or should not take the action proposed,

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and shall report to the Secretary of State accordingly; and the Secretary of State shall forward a copy of the report to any person who availed himself of an opportunity to make representations to the Secretary of State afforded to him under the provisions in question of this Act.

- (3) In any such case as is mentioned in subsection (1) of this section the Secretary of State shall not give effect to the proposal until the expiration of the period within which a reference to the Land Court may be required.
- (4) Where such a reference is duly required, the Secretary of State shall act in accordance with the report of the Land Court and not otherwise.
- (5) Forthwith after taking action in any such case as is mentioned in subsection (1) of this section, the Secretary of State shall serve notice thereof in writing on any person who under the provisions in question of this Act was entitled to be afforded an opportunity to make representations to the Secretary of State.

## **72 Proceedings of the Land Court.**

The provisions of the Small Landholders (Scotland) Acts, 1886 to 1931, with regard to the Land Court shall, with any necessary modifications, apply for the purpose of the determination of any matter which they are required by or under this Act to determine, in like manner as those provisions apply for the purpose of the determination by the Land Court of matters referred to them under those Acts.