

Changes to legislation: Agriculture (Scotland) Act 1948, SIXTH SCHEDULE is up to date with all changes known to be in force on or before 04 November 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SIXTH SCHEDULE **S**

Section 26

RULES OF GOOD HUSBANDRY

Modifications etc. (not altering text)

- C1** Sch. 6 applied by Agricultural Holdings (Scotland) Act 1949 (c. 75), s. 93(2) and Opencast Coal Act 1958 (c. 69), s. 22(3), Sch. 3 para. 7(4)(5); restricted by Crofters (Scotland) Act 1955 (3 & 4 Eliz. 2 c. 21), s. 38(3), Sch. 6, Pt. I
- C2** Sch. 6 extended (25. 9. 1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55), ss. 85(2) , 89(2) (with s. 45(3), Sch. 12 para. 3)
- C3** Sch. 6 applied by Agricultural Holdings (Scotland) Act 2003 (asp. 11), s. 18A(3) (as inserted (23.12.2016 for specified purposes, 30.11.2017 in so far as not already in force) by Land Reform (Scotland) Act 2016 (asp 18), ss. 89(2), 130(1) (with s. 128); S.S.I. 2016/365, reg. 2, sch.; S.S.I. 2017/299, reg. 2, sch.)
- C4** Sch. 6 applied by Agricultural Holdings (Scotland) Act 2003 (asp. 11), s. 8D(7) (as inserted (30.11.2017) by Land Reform (Scotland) Act 2016 (asp 18), ss. 87(2), 130(1) (with s. 128); S.S.I. 2017/299, reg. 2, sch.)
- C5** Sch. 6 applied by Agricultural Holdings (Scotland) Act 2003 (asp. 11), s. 7B(7) (as inserted (30.11.2017) by Land Reform (Scotland) Act 2016 (asp 18), ss. 105(2), 130(1) (with s. 128); S.S.I. 2017/299, reg. 2, sch.)
- C6** Sch. 6 applied by Agricultural Holdings (Scotland) Act 2003 (asp. 11), s. 2A(5) (as inserted (30.11.2017) by Land Reform (Scotland) Act 2016 (asp 18), ss. 90(3), 130(1) (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 3))

- 1 For the purposes of this Act, the occupier of an agricultural unit shall be deemed to fulfil his responsibilities to farm it in accordance with the rules of good husbandry in so far as the extent to which and the manner in which the unit is being farmed (as respects both the kind of operations carried out and the way in which they are carried out) are such that, having regard to the character and situation of the unit, the standard of management thereof by the owner and other relevant circumstances, the occupier is maintaining a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity thereof, while keeping the unit in a condition to enable such a standard to be maintained in the future.
- 2 In determining whether the manner in which a unit is being farmed is such as aforesaid regard shall be had, but without prejudice to the generality of the provisions of the last foregoing paragraph, to the following:—
- (a) the maintenance of permanent grassland (whether meadow or pasture) properly mown or grazed and in a good state of cultivation and fertility;
 - (b) the handling or cropping of the arable land, including the treatment of temporary grass, so as to maintain it clean and in a good state of cultivation and fertility;
 - (c) where the system of farming practised requires the keeping of livestock, the proper stocking of the holding;
 - (d) the maintenance of an efficient standard of management of livestock;
 - (e) as regards hill sheep farming in particular:—
 - (i) the maintenance of a sheep stock of a suitable breed and type in regular ages (so far as is reasonably possible) and the keeping and management thereof in accordance with the recognised practices of hill sheep farming;
 - (ii) the use of lug, horn or other stock marks for the purpose of determining ownership of stock sheep;

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- (iii) The regular selection and retention of the best female stock for breeding;
- (iv) the regular selection and use of tups possessing the qualities most suitable and desirable for the flock;
- (v) the extent to which regular muirburn is made;
- (f) the extent to which the necessary steps are being taken—
 - (i) to secure and maintain the freedom of crops and livestock from disease and from infestation by insects and other pests;
 - (ii) to exercise systematic control of vermin and of bracken, whins, broom and injurious weeds;
 - (iii) to protect and preserve crops harvested or in course of being harvested;
 - (iv) to carry out necessary work of maintenance and repair of the fixed and other equipment.

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Changes and effects yet to be applied to :

- Sch. 6 applied by 2003 asp 11, s. 7D(6) (as inserted) by [2016 asp 18 s. 106\(2\)](#)
- Sch. 6 applied by 2003 asp 11, s. 8G(7) (as inserted) by [2016 asp 18 s. 94\(2\)](#)