

**Changes to legislation:** Agriculture (Scotland) Act 1948 is up to date with all changes known to be in force on or before 24 May 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

## F1F1 FIRST SCHEDULE

### Textual Amendments

**F1** Schs. 1, 2 repealed with savings by [Agricultural Holdings \(Scotland\) Act 1949 \(c. 75\)](#), ss. 97-99, [Sch. 8](#)

F1

## F2F2 SECOND SCHEDULE

### Textual Amendments

**F2** Schs. 1, 2 repealed with savings by [Agricultural Holdings \(Scotland\) Act 1949 \(c. 75\)](#), ss. 97-99, [Sch. 8](#)

F2

## THIRD SCHEDULE

### PROVISIONS WHERE PERMANENT PASTURE DIRECTED TO BE PLOUGHED UP OR OTHER CULTIVATIONS TO BE CARRIED OUT

- 1 Where the Secretary of State gives to a person a direction under section . . . <sup>F3</sup> thirty-five of this Act requiring the ploughing-up of any land consisting of permanent pasture, compliance with the direction shall, notwithstanding the provisions of any lease or instrument affecting the land or any custom, not render the said person liable thereby to sow it again at his own expense, or to pay any sum by way of increased rent, damages or penalty, or to suffer any forfeiture by reason of the ploughing-up or of the failure to sow it again; and for the purposes of any provision of any such lease or instrument as aforesaid, any custom or any provision of Part I of this Act the land shall thereafter be deemed to be arable land and to have been arable land at all material times.

### Textual Amendments

**F3** Words repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#)

- 2 Where in the case of an occupier who is a tenant the Secretary of State gives such a direction as aforesaid, . . . <sup>F4</sup>, he may, after affording to the landlord and to the tenant an opportunity of making representations to the Secretary of State, whether in writing or on being heard by a person appointed by the Secretary of State, order that the lease shall have effect as if it provided that on quitting the holding on the termination of the tenancy the tenant should leave—
- (a) as permanent pasture, or
  - (b) as temporary pasture sown with a seeds mixture of such kind as may be specified in the order,

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such area of land (in addition to the land required by the lease, as modified by the direction, to be maintained as permanent pasture) as may be so specified, so however that the area required to be left as aforesaid shall not exceed the area by which the land required by the lease to be maintained as permanent pasture has been reduced by virtue of the direction.

**Textual Amendments**

**F4** Words repealed with savings by [Agricultural Holdings \(Scotland\) Act 1949 \(c. 75\)](#), ss. 97-99, [Sch. 8](#)

- 3 (1) Notwithstanding anything in the provisions of Part I of this Act or any custom or agreement—
- (a) no compensation shall be payable to the tenant in respect of anything done in pursuance of an order under the last foregoing paragraph;
  - (b) in assessing compensation to an outgoing tenant of a holding (as defined in the Act of 1923) where land has been ploughed up in pursuance of any such direction as aforesaid, the value per acre of any tenant's pasture comprised in the holding shall be taken not to exceed the average value [<sup>F5</sup>per hectare] of the whole of the tenant's pasture comprised in the holding on the termination of the tenancy.
- (2) In this paragraph the expression “tenant's pasture” means pasture laid down at the expense of the tenant or paid for by the tenant on entering the holding.

**Textual Amendments**

**F5** Words substituted by [S.I. 1977/2007](#), reg. 2, [Sch. 1](#)

- 4 . . . <sup>F6</sup> paragraph 1 of this Schedule shall have effect as if references to the ploughing-up of permanent pasture included references to the carrying out, on land which apart from the direction the occupier is under an obligation to cultivate in a particular way, of any other act of cultivation specified in the direction, and references to the sowing of land again and to arable land shall be construed accordingly.

**Textual Amendments**

**F6** Words repealed with savings by [Agricultural Holdings \(Scotland\) Act 1949 \(c. 75\)](#), ss. 97-99, [Sch. 8](#)

- 5 Where the ploughing-up of permanent pasture or the carrying out of any other act of cultivation is reasonably necessary in consequence of the giving of a direction, this Schedule shall apply as if the ploughing-up or other act of cultivation were required by the direction and specified therein; and . . . <sup>F7</sup> subsection (5) of section thirty-five of this Act shall be construed accordingly.

**Textual Amendments**

**F7** Words repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#)

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## FOURTH SCHEDULE.

Section 14.

## MATTERS FOR WHICH PROVISION IS TO MADE IN WRITTEN LEASES.

**Modifications etc. (not altering text)**

- C1** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 1 The names of the parties.
- 2 Particulars of the holding with sufficient description, by reference to a map or plan, of the fields and other parcels of land comprised therein to identify the extent of the holding.
- 3 The term or terms for which the holding or different parts thereof is or are agreed to be let.
- 4 The rent and dates on which it is payable.
- 5 An undertaking by the landlord in the event of damage by fire to any building comprised in the holding to reinstate or replace the building if its reinstatement or replacement is required for the fulfilment of his responsibilities to manage the holding in accordance with the rules of good estate management, and (where the interest of the landlord is held for the purposes of a government department or person representing His Majesty under section forty-five of the Act of 1923 is deemed to be the landlord, or where the landlord has made provision approved by the Secretary of State for defraying the cost of any such reinstatement or replacement as aforesaid) an undertaking by the landlord to insure to their full value all such buildings against damage by fire.
- 6 An undertaking by the tenant, in the event of the destruction by fire of harvested crops grown on the holding the full equivalent manorial value of the crops destroyed, in so far as the return thereof is required for the fulfilment of his responsibilities to farm in accordance with the rules of good husbandry, and (except where the interest of the tenant is held for the purposes of a government department or where the tenant has made provision approved by the Secretary of State in lieu of such insurance) an undertaking by the tenant to insure to their full value all dead stock on the holding and all such harvested crops as aforesaid against damage by fire.

## FIFTH SCHEDULE

Section 26

## RULES OF GOOD ESTATE MANAGEMENT

**Modifications etc. (not altering text)**

- C2** Sch. 5 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
- C3** Sch. 5 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)

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- 1 For the purposes of this Act, the owner of agricultural land shall be deemed to fulfil his responsibilities to manage it in accordance with the rules of good estate management in so far as his management of the land and (so far as it affects the management of that land) of other land managed by him is such as to be reasonably adequate, having regard to the character and situation of the land and other relevant circumstances, to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as respects both the kind of produce and the quality and quantity thereof.
- 2 In determining whether the management of land is such as aforesaid regard shall be had, but without prejudice to the generality of the provisions of the last foregoing paragraph, to the extent to which the owner is making regular muirburn in the interests of sheep stock, exercising systematic control of vermin on land not in the control of a tenant, and undertaking the eradication of bracken, whins and broom so far as is reasonably practicable, and to the extent to which the owner is fulfilling his responsibilities in relation to the provision, improvement, replacement and renewal of the fixed equipment on the land in so far as is necessary to enable an occupier reasonably skilled in husbandry to maintain efficient production as aforesaid.

## SIXTH SCHEDULE

Section 26

### RULES OF GOOD HUSBANDRY

#### Modifications etc. (not altering text)

- C4** 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](#)
- C5** 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](#))
- C6** 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.](#))
- C7** 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.](#))
- C8** 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.](#))
- C9** 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

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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;
  - (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.

SEVENTH  
SCHEDULE. . . . .

F8

**Textual Amendments**

**F8** Sch. 7 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 237(1), [Sch. 29](#)

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## EIGHTH SCHEDULE

### PART I

#### AGRICULTURAL EXECUTIVE COMMITTEES AND SUB-COMMITTEES

1—10 ..... F9

#### Textual Amendments

**F9** Sch. 8 Pt.1 with the exception of para. 11 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972](#) (c. 62, SIF 2:1), s. 26(3)(4), [Sch. 6](#)

#### *Proof of Instruments*

11 Any document purporting to be a document duly executed or issued on behalf of an Agricultural Executive Committee or sub-committee thereof shall, until the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

12 ..... F10

#### Textual Amendments

**F10** Sch. 8 Pt.1 with the exception of para. 11 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972](#) (c. 62, SIF 2:1), s. 26(3)(4), [Sch. 6](#)

### PART II

#### AGRICULTURAL ADVISORY COMMITTEES

1 An Agricultural Advisory Committee shall consist of not more than two members appointed by the Secretary of State and of twelve other members (hereinafter referred to as “nominated members”) nominated in accordance with the provisions of this Schedule, and appointed by the Secretary of State.

2 The nominated members shall be persons nominated—

- (a) in the case of two members, by the appropriate agricultural college,
- (b) in the case of two members, by the county council of the county in which the Committee district is situated, or where that district is situated in two or more counties by the county councils of those counties acting jointly,
- (c) in the case of two members, by such organisation as appears to the Secretary of State to represent the interests of farmers,
- (d) in the case of two members, by such organisation as appears to him to represent the interests of workers employed in agriculture,
- (e) in the case of two members, by such organisation as appears to him to represent the interests of owners of agricultural land, and
- (f) in the case of two members, by such other organisation or organisation interested in the welfare or development of agriculture as the Secretary of State may think fit to invite to make nominations.

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- 3 If in relation to any appointment of a nominated member it appears to the Secretary of State that the college, council or organisation concerned have failed, within a reasonable time after he has called upon them by notice in writing so to do, to nominate a person for the appointment, the Secretary of State may, notwithstanding anything in the foregoing provisions of this Part of this Schedule, appoint as the nominated member in question such person as he thinks fit.
- 4 A Committee shall be deemed to be duly constituted and shall have power to act notwithstanding any vacancy among the members thereof.
- 5 Each Committee shall appoint a Chairman from among their members, and if they fail to do so within a period of one month from the date of their constitution, the appointment may be made by the Secretary of State.
- 6 The term of office of any member of a Committee shall be three years, but a member who ceases to hold office shall, subject to the provisions of this Part of this Schedule as to nomination, be eligible for re-appointment.
- 7 Any member of a Committee may resign his membership by notice in writing to the Secretary of State.
- 8 A Committee shall have power to regulate their own procedure, including power to determine the number of persons necessary to form a quorum.
- 9 The director of education and the medical officer of health of the county in which a Committee district is situated shall be entitled to attend meetings of the Committee in the capacity of assessors.
- 10 The Secretary of State may, with the approval of the Treasury, make such arrangements as appear to him expedient, after consultation with the appropriate agricultural college, for placing at the disposal of a Committee any secretarial and technical assistance which he may consider necessary or desirable.
- 11 The expenses up to such amount as may be approved by the Secretary of State incurred by a Committee in carrying out their duties shall be defrayed by the Secretary of State.
- 12 In this Schedule the expression “appropriate agricultural college” in relation to any Agricultural Advisory Committee means the agricultural college responsible for agricultural education in that part of Scotland in which the district of the Committee is situated.

## F11F11 NINTH SCHEDULE

### Textual Amendments

**F11** Sch. 9 repealed with savings by [Agricultural Holdings \(Scotland\) Act 1949 \(c. 75\)](#), ss. 97-99, **Sch. 8**

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F12F12 TENTH SCHEDULE

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**Textual Amendments**

**F12** Sch. 10 repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 3](#)

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F12



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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\(2\)](#)