



# 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.*

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

(1) Where—

- (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 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.