



Removal Terms (Scotland) Act 1886

1886 CHAPTER 50 49 and 50 Vict

An Act to amend the Law relating to the Terms of Removal from Houses in Scotland. [25th June 1886]

Whereas in many counties and burghs in Scotland a custom exists whereby for the purpose of a tenant's entry to or removal from a house a period beyond the date of the legal term of entry or removal is allowed within which such entry or removal may take place:

And whereas the period so allowed is not uniform but varies according to local usage:

And whereas such want of uniformity is productive of great inconvenience, and it is expedient that the terms for such entry and removal should be uniform:

Modifications etc. (not altering text)

- C1 Act amended by [Removal Terms \(Scotland\) Act 1886 \(Amendment\) Act 1890 \(c. 36\)](#)
- C2 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

1 Short title and extent.

This Act may be cited as the Removal Terms (Scotland) Act, 1886, and shall extend to Scotland only.

2 F1

Textual Amendments

- F1 [S. 2](#) repealed by [Statute Law Revision Act 1898 \(c. 22\)](#)

3 Definitions.

In this Act the following expressions shall have the following meanings:

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Removal Terms (Scotland) Act 1886. (See end of Document for details)

“House” shall mean a dwelling-house, shop, or other building and their appurtenances, and shall include a dwelling-house or building let along with land for agricultural or other purposes:

“Burgh” shall mean royal burgh, parliamentary burgh, or any populous place, the boundaries whereof have been fixed and ascertained under the ^{M1}General Police and Improvement (Scotland) Act, 1862, and subsequent Acts:

“Lease” shall include tack and set, and shall apply to any lease, tack, or set, whether constituted by writing or verbally, or by tacit relocation, and of whatever duration:

“Tenant” shall mean a tenant under any lease as defined by this Act: and

“Person” shall mean any person or individual, and shall apply to and include companies and corporations.

Marginal Citations

M1 1862 c. 101.

4 Terms of entry and removal from houses.

Where under any lease entered into after the passing of this Act, the term for a tenant’s entry to, or removal from, a house shall be one or other of the terms of Whit Sunday or Martinmas, the tenant shall, in the absence of express stipulation to the contrary, enter to, or remove from, the said house (any custom or usage to the contrary notwithstanding) at noon on the twenty-eighth day of May, if the term be Whit Sunday, or at noon on the twenty-eighth day of November, if the term be Martinmas, or on the following day at the same hour, where the said terms fall on a Sunday.

Notwithstanding anything in this Act contained, in all cases in which warning is required forty days before a Whit Sunday or Martinmas term of removal, such warning shall be given forty days before the fifteenth day of May and the eleventh day of November respectively.

5 Period of notice of removal in certain cases.

Where a house, other than a dwelling-house or building let along with land for agricultural purposes, is let for any period not exceeding four calendar months, notice of removal therefrom shall, in the absence of express stipulation, be given as many days before the date of ish as shall be equivalent to at least one-third of the full period of duration of the lease. [^{F2}Provided that in no case shall notice of removal be given less than 28 days before the date on which it is to take effect.]

Textual Amendments

F2 Proviso added by [Rent \(Scotland\) Act 1971 \(c. 28\), s. 135\(2\), Sch. 18 Pt. II](#)

6 Notice of removal by registered letter.

Notice of removal from a house, other than a dwelling-house or building let along with land for agricultural purposes, may hereafter be given by registered letter, signed by the person entitled to give such notice, or by the law agent or factor of such person, posted at any post office within the United Kingdom, in time to admit of its being delivered at the address thereon, on or prior to the last date upon which by law such notice of

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Removal Terms (Scotland) Act 1886. (See end of Document for details)

removal must be given, addressed to the person entitled to receive such notice, and bearing the particular address of such person at the time, if the same be known, or, if the same be not known, then the last known address of such person.

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

C3 S. 6 applied by [Agricultural Holdings \(Scotland\) Act 1949 \(c. 75\), s. 24\(4\)](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Removal Terms (Scotland) Act 1886.