



Land Drainage' (Scotland) Act 1958

1958 CHAPTER 24

1 Application for improvement order and making of order by Secretary of State

- (1) The owner of any agricultural land may apply to the Secretary of State for an order (hereafter in this Act referred to as an "improvement order") authorising the execution of such drainage works as will improve the drainage of the said land or will prevent or mitigate flooding or erosion to which that land is subject.
- (2) On receiving an application for an improvement order the Secretary of State, if he is satisfied—
 - (a) that it is in the interests of agricultural production that the drainage of an area consisting of or including the agricultural land to which such application relates or any part of such land should be improved or that flooding or erosion to which that area is subject should be prevented or mitigated; and
 - (b) that such drainage could be improved or such flooding or erosion prevented or mitigated by the execution of drainage works at a cost which is reasonable having regard to the benefit to agricultural production likely to accrue therefrom; and
 - (c) that it is otherwise expedient for him to do so ;shall have power to make an improvement order relating to the said area.
- (3) In this Act the area to which an improvement order relates as aforesaid is, in relation to that order, referred to as the "improvement area".
- (4) An improvement order shall be made in accordance with the provisions of Parts I and III of the First Schedule to this Act, and Part IV of that Schedule shall apply with respect to the validity of such an order.