



Land Drainage (Scotland) Act 1958

1958 CHAPTER 24 6 and 7 Eliz 2

18 Interpretation.

(1) In this Act, unless the context otherwise requires,—

“agricultural holding” means an agricultural holding within the meaning of the ^{M1}Agricultural Holdings (Scotland) Act 1949;

“agricultural land” means agricultural land as defined in the ^{M2}Agriculture (Scotland) Act 1948, and includes any dwelling-house or other building occupied for the purpose of farming any land;

“authorised persons” has the meaning assigned to it by subsection (2) of section two of this Act;

“cost of improvement” has the meaning assigned to it by subsection (3) of section two of this Act;

“drainage works” means any works for the purpose of draining land or of preventing or mitigating ^{F1}... erosion to which land is subject, and includes the construction, cleansing, scouring, deepening, widening, straightening or diverting of any watercourse or outfall for water, the construction, installation, alteration or repair of any pump, pump machinery or pump house, the removal of any obstruction, natural or artificial, in any watercourse, and the construction, repair, raising, lowering, widening, strengthening, altering or removal of any embankment, dam, barrier, sluice, weir, wall, culvert or groyne or of any structure or erection for the purpose of defence against water;

“endangered land” has the meaning assigned to it by paragraph (d) of subsection (1) of section two of this Act;

“functions” includes powers and duties;

“improvement area” has the meaning assigned to it by subsection (3) of section one of this Act;

“improvement committee” means a committee established under an improvement order as provided in subsection (1) of section three of this Act;

“improvement order” has the meaning assigned to it by subsection (1) of section one of this Act;

“land” includes land covered by water and includes also salmon fishings;

“Land Court” means the Scottish Land Court;

Changes to legislation: There are currently no known outstanding effects for the Land Drainage (Scotland) Act 1958, Section 18. (See end of Document for details)

“long lease” means a lease which has been, or is capable of being, ^{F2}registered in the Land Register of Scotland or] recorded in the Register of Sasines under the ^{M3}Registration of Leases (Scotland) Act 1857;

“owner” in relation to any land—

^{F3}(a)

(b) if the land is held on a long lease, means the lessee under that lease;

and includes any other person who under the Lands Clauses Acts would be entitled to sell and convey or assign the land or the interest of lessee under such long lease, as the case may be, to the promoters of an undertaking, and “ownership” and “owns” shall be construed accordingly;

“protective works” has the meaning assigned to it by paragraph (d) of subsection (1) of section two of this Act;

“watercourse” includes any estuary, river, stream, ditch, drain (whether open or closed), cut, culvert, dyke or sluice.

- (2) For the purpose of construing references in this Act to agricultural land situated in an improvement area a change in the use of any land so situated occurring after the making of the improvement order in question shall be disregarded.
- (3) References in this Act to the date of the completion of the drainage and protective works specified in an improvement order shall be construed as references to the date certified by the Secretary of State under subsection (5) of section nine of this Act as being the date of the completion of the said works.
- (4) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

Textual Amendments

- F1** Words in s. 18(1) repealed (24.12.2010) by [Flood Risk Management \(Scotland\) Act 2009 \(asp 6\)](#), s. 97(1), [Sch. 3 para. 1\(4\)](#) (with s. 91); S.S.I. 2010/401, art. 3(h)
- F2** Words in s. 18(1) inserted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [Sch. 5 para. 12](#) (with s. 121, [Sch. 4 paras. 13, 16](#)); S.S.I. 2014/127, art. 2
- F3** Words in s. 18(1) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [Sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

- C1** References in s. 18(1) to the Register of Sasines or to the recording of a deed therein to be construed as mentioned in [Land Registration \(Scotland\) Act 1979 \(c. 33, SIF 31:3\)](#), s. 29(2)

Marginal Citations

- M1** 1949 c. 75.
M2 1948 c. 45.
M3 1857 c. 26.

Changes to legislation:

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