



Land Drainage (Scotland) Act 1958

1958 CHAPTER 24 6 and 7 Eliz 2

5 Provisions regarding liability of authorised persons under improvement order.

- (1) The liability to pay any sum falling on the authorised persons under an improvement order, whether by virtue of such order or this Act, shall fall upon the persons who are the authorised persons at the time when such sum becomes due for payment.
- (2) Any sum payable by the authorised persons under an improvement order, whether by virtue of such order or this Act, shall, if it is included in a levy made by an improvement committee in pursuance of the order, be deemed for the purposes of this Act to become due for payment on the date on which notice of such levy is served on the said persons.
- (3) Where any agricultural land situated in an improvement area is in the ownership of one person and such land comes on any date to be held by two or more separate owners, the liability to bear the cost of improvement under the improvement order and the cost of maintaining any drainage or protective works executed in pursuance of such order, so far as falling on the first-mentioned person immediately before the said date, shall on and after that date fall on the said owners in such proportions as may be determined by agreement between them or, in default of such agreement, by the Land Court, and such owners shall at their own expense cause a notice in the prescribed form of any apportionment made under this section to be recorded in the Register of Sasines.
- (4) In this section “prescribed” means prescribed by regulations made by the Secretary of State by statutory instrument.

Modifications etc. (not altering text)

- C1 References in ss. 5(3) and 9(5) 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)

Changes to legislation:

There are currently no known outstanding effects for the Land Drainage (Scotland) Act 1958, Section 5.