



Agriculture (Scotland) Act 1948

CHAPTER 45

AGRICULTURE (SCOTLAND) ACT 1948

PART I

AGRICULTURAL HOLDINGS.

Compensation to tenant for improvements and to landlord for deterioration.

- 1 Provisions as to payment of compensation for improvements.
- 2 Compensation to tenant for improvements.
- 3 Assessment of compensation where grant "received by tenant".
- 4 Compensation to landlord for deterioration of holding.

Compensation for disturbance, and provisions as to notices to quit.

- 5 Compensation for disturbance.
- 6 Notice of termination of tenancy.
- 7 Restrictions on termination by notice of tenancies of holdings.
- 8 Provisions as to notices to quit where holding agreed to be sold.

Supplementary provisions as to compensation.

- 9 Extent to which compensation recoverable under agreements.
- 10 Transitional provisions as to compensation.

Variation and ascertainment of terms of leases.

- 11 Variation of rent of holdings.
- 12 Variation of terms of tenancy as to permanent pasture.
- 13 Respective liabilities of landlord and tenant for provision and maintenance of fixed equipment and for payment of insurance premiums.

- 14 Provisions for securing written leases and for the revision of certain leases.
- 15 Supplementary provisions as to s. 13 and s. 14.
- 16 Leases to continue in force notwithstanding variation of terms, etc.

General.

- 17 Restriction on letting agricultural land for less than from year to year.
- 18 Power of tenant to obtain charge on holding in respect of compensation.
- 19 Power of landlord to enter on holding.
- 20 Right of landlord to object to heir-at-law of tenant succeeding to holding.
- 21 Provisions as to payment for implements etc. sold on quitting holding.
- 22 Provisions as to arbitration.
- 23 Revision of panel of arbiters.
- 24 Minor and consequential amendments relating to Part I.
- 25 Construction, citation and application of Part I.

PART II

GOOD ESTATE MANAGEMENT AND GOOD HUSBANDRY.

- 26 Duties of good estate management and good husbandry.
- 27 Powers of Secretary of State in cases of bad estate management or bad husbandry.
- 28 Changes of owner or occupier effected without approval of Secretary of State not to invalidate warning notices.

Directions to secure good estate management and good husbandry.

- 29 Directions to secure good estate management and good husbandry.
- 30 Supplementary provisions as to directions.

Dispossession of owners or occupiers on grounds of bad estate management or bad husbandry.

- 31 Dispossession on grounds of bad estate management.
- 32 Dispossession on grounds of bad husbandry.
- 33 Power of Secretary of State to take possession where occupier dispossessed and no other arrangements made.
- 34 Power of tenant or landlord to apply for dispossession of owner or occupier.

Special directions to secure production.

- 35 Special directions to secure production.
- 36 Special directions as to stocking of deer forests and grouse moors.

Supplementary.

- 37 Service of notices on agents.
- 38 Interpretation of references in Part II to "owner" and "manager".

PART III

CONTROL OF INJURIOUS ANIMALS, BIRDS AND WEEDS.

Prevention of damage by injurious animals and birds.

- 39 Control of injurious animals and birds.
- 40 Prevention of escape of captive animals.
- 41 Supplementary provisions as to s. 39 and s. 40.
- 42 Provision by Secretary of State of equipment and services for pest control.

Prevention of Damage by Deer.

- 43 Right of occupier of agricultural holding to kill deer.
- 44 Powers of Secretary of State to reduce number of deer.
- 45 Recovery of expenses of killing deer.
- 46 Returns of numbers etc. of deer.
- 47 Entry on and inspection of lands.

Amendments of Law relating to Killing of Hares and Rabbits.

- 48 Amendment of 43 and 44 Vict. c. 47, s.1.
- 49 Provision as to use of poisonous substances.
- 50 Prohibition of night shooting and use of spring traps.

Injurious Weeds.

- 51 Destruction of injurious weeds.

Supplementary.

- 52 Saving of right to compensation for damage by game.
- 53 Persons acting under this Part of this Act not required to obtain game licences.
- 54 Interpretation of Part III.

PART IV

ACQUISITION OF LAND.

General powers of acquisition and management of land by the Secretary of State.

- 55 Power of Secretary of State to acquire land by agreement.
- 56 Acquisition by Secretary of State of land for research experiment and demonstration.
- 57 Acquisition of land by Secretary of State to ensure full and efficient use thereof.
- 58 Amendment of 4 and 5 Geo. 6. c. 50, ss. 9 and 10, and 6 and 7 Geo. 6. c. 16, s. 16.
- 59 Transfer to Secretary of State of land vested in other government departments.
- 60 Power of Secretary of State to appropriate land.
- 61 Powers of management etc. of land acquired by Secretary of State.
- 62 Repeal of 21 and 22 Geo. 5. c. 41, ss. 1 to 4.

Provisions as to compulsory acquisition of land.

- 63 Procedure for compulsory purchase of land.

PART V

LAND SETTLEMENT.

Provision of holdings by the Secretary of State.

- 64 Power of Secretary of State to provide and equip holdings.

Provisions as to loans.

- 65 Loans to tenants of holdings.
66 Recovery of loans in the event of failure of statutory successor.

Agriculture (Scotland) Fund.

- 67 Winding-up of Agriculture (Scotland) Fund.

PART VI

ADMINISTRATIVE.

Agricultural Executive Committees.

- 68 Establishment and functions of Agricultural Executive Committees.
69 Delegation of functions of Secretary of State to Agricultural Executive Committees.

The Land Court.

- 70 Provisions as to appointment of additional members of the Land Court.
71 References to the Land Court.
72 Proceedings of the Land Court.

Agricultural Advisory Committees.

- 73 Establishment and functions of Agricultural Advisory Committees.

PART VII

GENERAL.

Minor Arterial Drainage.

- 74 Amendment of 3 and 4 Geo. 6. c. 14. s. 29.

Provision of Goods and Services.

- 75 Schemes for provision of agricultural goods and services.
76 Provision of machinery for agricultural drainage works.
77 Grants towards provision of houses to for landholders and cottars in Highlands and Islands.
78 Extension of time for applying for assistance under s. 4 of the Housing (Agricultural Population) (Scotland) Act, 1938.

Provision as to congested districts.

- 79 Amendment of 60 and 61 Vict. c. 53.

Supplementary.

- 80 Provisions as to representations.
- 81 Expenses and receipts.
- 82 Provisions as to entry and inspection.
- 83 Service of notices.
- 84 Nomination of arbiter in cases to which the Secretary of State is a party.
- 85 Regulations and orders.
- 86 Interpretation.
- 87 Repeals.
- 88 Short title, commencement and extent.

SCHEDULES.

FIRST SCHEDULE —

PART I — IMPROVEMENTS TO WHICH CONSENT OF LANDLORD IS
REQUIRED.

- 1 Laying down of permanent pasture.
- 2 Making of water-meadows or works of irrigation.
- 3 Making of gardens.
- 4 Planting of orchards or fruit bushes.
- 5 Warping or weiring of land.
- 6 Making of embankments and sluices against floods.
- 7 Making or planting of osier beds.
- 8 Haulage or other work done by the tenant in aid...

PART II — IMPROVEMENTS IN RESPECT OF WHICH NOTICE TO LANDLORD IS
REQUIRED.

- 9 Land drainage.
- 10 Construction of silos.
- 11 Making or improvement of farm access or service roads, bridges...
- 12 Making or improvement of watercourses, ponds or wells, or of...
- 13 Making or removal of permanent fences, including hedges, stone dykes...
- 14 Reclaiming of waste land.
- 15 Renewal of embankments and sluices against floods.
- 16 Provision of stells, fanks, folds, dippers, pens and bughts necessary...
- 17 Provision or laying on of electric light or power, including...
- 18 Erection, alteration or enlargement of buildings, and making or improvement...
- 19 Erection of hay or sheaf sheds, sheaf or grain drying...
- 20 Provision of fixed threshing mills, barn machinery and fixed dairying...
- 21 Improvement of permanent pasture by cultivation and re-seeding.
- 22 Provision of means of sewage disposal.
- 23 Repairs to fixed equipment, being equipment reasonably required for the...

PART III — IMPROVEMENTS IN RESPECT OF WHICH CONSENT OF, OR NOTICE
TO, LANDLORD IS NOT REQUIRED.

- 24 Protecting fruit trees against animals.
- 25 Chalking of land.
- 26 Clay burning.
- 27 Claying of land.
- 28 Liming of land.

Status: This is the original version (as it was originally enacted).

- 29 Marling of land.
- 30 Eradication of bracken, whins or broom growing on the holding...
- 31 Application to land of purchased manure (including artificial manure).
- 32 Consumption on the holding of corn (whether produced on the...
- 33 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or...

SECOND — Applications for Certificates of Bad Husbandry.

SCHEDULE

- 1 An application to the Secretary of State for a certificate...
- 2 Any such application shall be made in the prescribed manner,...
- 3 Where such an application is made the Secretary of State...
- 4 Within one month of notice of a proposal being given...
- 5 Where a holding forms part only of an agricultural unit,...

THIRD SCHEDULE — Provisions where permanent pasture directed to be-ploughed up or other cultivations to be carried out.

- 1 Where the Secretary of State gives to a person a...
- 2 Where in the case of an occupier who is a...
- 3 (1) Notwithstanding anything in the provisions of Part I of...
- 4 In relation to a direction under section twenty-nine or thirty-five...
- 5 Where the ploughing-up of permanent pasture or the carrying out...

FOURTH SCHEDULE — Matters for which provision is to be made in written leases.

- 1 The names of the parties.
- 2 Particulars of the holding with sufficient description, by reference to...
- 3 The term or terms for which the holding or different...
- 4 The rent and the dates on which it is payable...
- 5 An undertaking by the landlord in the event of damage...
- 6 An undertaking by the tenant, in the event of the...

FIFTH SCHEDULE — Rules of Good Estate Management.

- 1 For the purposes of this Act, the owner of agricultural...
- 2 In determining whether the management of land is such as...

SIXTH SCHEDULE — Rules of Good Husbandry.

- 1 For the purposes of this Act, the occupier of an...
- 2 In determining whether the manner in which a unit is...

SEVENTH — Parishes deemed to be congested districts.
SCHEDULE

EIGHTH SCHEDULE —

PART I — AGRICULTURAL EXECUTIVE COMMITTEES AND
SUB-COMMITTEES.

- 1 (1) An Agricultural Executive Committee shall consist of not more...
- 2 (1) The Secretary of State shall designate a member of...
- 3 (1) Subject to the provisions of this paragraph, the term...
- 4 An Agricultural Executive Committee may add to any subcommittee established...
- 5 An Agricultural Executive Committee or sub-committee shall have power to...
- 6 A member of the Committee shall not vote on any...

Disqualification for appointment.

- 7 A person shall be disqualified for being appointed or being...

Validity of acts.

- 8 (1) An Agricultural Executive Committee or sub-committee shall have power...

Officers and Servants.

- 9 The Secretary of State shall attach to the Agricultural Executive...

Allowances and Expenses.

- 10 (1) The Secretary of State may pay to the members...

Proof of Instruments.

- 11 Any document purporting to be a document duly executed or...

Provisions as to holdings situated partly in one area and partly in another.

- 12 Where any agricultural holding lies partly in the area of...

PART II — AGRICULTURAL ADVISORY COMMITTEES.

- 1 An Agricultural Advisory Committee shall consist of not more than...
2 The nominated members shall be persons nominated—
3 If in relation to any appointment of a nominated member...
4 A Committee shall be deemed to be duly constituted and...
5 Each Committee shall appoint a Chairman from among their members,...
6 The term of office of any member of a Committee...
7 Any member of a Committee may resign his membership by...
8 A Committee shall have power to regulate their own procedure,...
9 The director of education and the medical officer of health...
10 The Secretary of State may, with the approval of the...
11 The expenses up to such amount as may be approved...
12 In this Schedule the expression " appropriate agricultural college "...

NINTH SCHEDULE — Minor and Consequential Amendments.

The Agricultural Holdings (Scotland) Act, 1923.

- 1 In section one (which relates to the right of the...
2 In section three (which relates to the giving of notice...
3 In section five (which makes further provision as to improvements)—...
4 In section nine (which relates to compensation for the continuous...
5 In section eleven (which relates to compensation for damage by...
6 In section twenty-one (which relates to the power of a...
7 Section twenty-two (which relates to the incidence of charges) shall...
8 In section twenty-three (which relates to the power of land...
9 Section twenty-four (which relates to certificates as to charges) shall...
10 In section twenty-six, in subsection (2) (which subsection relates to...
11 In section twenty-eight (which relates to the right of a...
12 Section twenty-nine (which provides that fixtures and buildings affixed to...

- 13 In section thirty (which enables a landlord to give notice...
- 14 In section thirty-three (which extends the meaning of the expression...
- 15 In section thirty-four (which provides that the landlord of a...
- 16 Section thirty-five (which confers on the tenant of a holding...
- 17 In section thirty-seven (which relates to the making of a...
- 18 In section thirty-nine (which makes provision for the exercise by...
- 19 In section forty (which provides for the application of the...
- 20 Section forty-one (which relates to the application of the Act...
- 21 Section forty-four (which empowers the Court of Session to prescribe...
- 22 In section forty-nine (which relates to the interpretation of the...
- 23 In the Second Schedule (which relates to arbitration proceedings)—
- 24 In the Third Schedule (which specifies improvements which -are subject...

The Local Government (Scotland) Act, 1929.

- 25 In section forty-eight (which requires the relief given by the...

The Agricultural Marketing Act, 1931.

- 26 In paragraph (6) of section nineteen (which requires any benefit...

The Small Landholders and Agricultural Holdings (Scotland) Act, 1931.

- 27 In section twenty-nine for the words " paragraph (29) "...
- 28 In section thirty-four for the words " this Act" there...
- 29 In section thirty-five— (a) in subsection (1) for the words...

The Hill Farming Act, 1946.

- 30 Section nine of the Hill Farming Act, 1946 (which modifies...

TENTH SCHEDULE — Enactments Repealed.