



Agriculture (Scotland) Act 1948

1948 CHAPTER 45

PART II

GOOD ESTATE MANAGEMENT AND GOOD HUSBANDRY.

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

34 Power of tenant or landlord to apply for dispossession of owner or occupier.

- (1) On any review under subsection (3) of section twenty-seven of this Act of the management of land or the farming of an agricultural unit of which the owner is not also the occupier.—
 - (a) if the review is of management, the Secretary of State shall consider any request made by the occupier that the Secretary of State shall exercise his powers under subsection (1) of section thirty-one of this Act in relation to the land;
 - (b) if the review is of farming, the Secretary of State shall consider any request made by any owner of land comprised in the agricultural unit that the Secretary of State shall exercise his powers under subsection (1) of section thirty-two of this Act in relation to the said land.
- (2) Where such a request is made the Secretary of State shall not comply therewith unless he is satisfied that the management or the farming, as the case may be, has not shown satisfactory improvement while the warning notice has been in force, but save as aforesaid may, subject to the provisions of this section, either comply with or refuse the request.
- (3) If the Secretary of State proposes to refuse such a request, he shall give notice in writing of his proposal to the owner and to the occupier.
- (4) If before the expiration of the prescribed period from the making of such a request no notice has been given either under the last foregoing subsection of a proposal to refuse the request or under section thirty-one or thirty-two of this Act of a proposal

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complying with the request, the Secretary of State shall be deemed to have given notice of his proposal to refuse the request.

- (5) Where notice of a proposal to refuse such a request is given or deemed to have been given the person by whom the request was made may require that the proposal shall be referred to the Land Court and the provisions in that behalf of Part VI of this Act shall apply accordingly.
- (6) Where in consequence of a report of the Land Court on a reference under the last foregoing subsection the Secretary of State complies with such a request as aforesaid, the provisions of subsections (4) and (5) of section thirty-one of this Act or subsections (2) and (4) of section thirty-two thereof, as the case may be, shall not apply to any action of the Secretary of State necessary to comply with the request.