



Agricultural Holdings (Scotland) Act 1949

CHAPTER 75

AGRICULTURAL HOLDINGS (SCOTLAND) ACT 1949

Meaning of " agricultural holding "

- 1 Meaning of " agricultural holding."

Provisions as to leases

- 2 Restriction on letting agricultural land for less than from year to year
- 3 Tacit relocation
- 4 Provisions for securing written leases and for the revision of certain leases
- 5 Respective liabilities of landlord and tenant for provision and maintenance of fixed equipment and for payment of insurance premiums
- 6 Provisions supplementary, to s.4 and s.5
- 7 Variation of rent
- 8 Increases of rent in respect of certain improvements carried out by landlord
- 9 Variation of terms of tenancy as to permanent pasture
- 10 Leases to continue in force notwithstanding variation of terms, etc.

Miscellaneous provisions affecting the relationship of landlord and tenant

- 11 Certain agreements by incoming tenant to pay compensation due to outgoing tenant to be void
- 12 Freedom of cropping and disposal of produce
- 13 Prohibition of removal of manure, etc., after notice to terminate the tenancy
- 14 Tenant's right to remove fixtures and buildings
- 15 Compensation for damage by game

- 16 Restriction of landlord's right to penal rent or liquidated damages
- 17 Making of record of condition, etc., of holding
- 18 Power of landlord to enter on holding
- 19 Removal of tenant for non-payment of rent
- 20 Bequest of lease
- 21 Right of landlord to object to heir-at-law of tenant succeeding to holding
- 22 Provisions as to payment for implements, etc., sold on quitting holding
- 23 Application of sums recovered under fire insurance policy

Provisions as to notices to quit

- 24 Provisions as to giving of notices to quit
- 25 Restrictions on operation of notices to quit
- 26 Provisions as to consents for purposes of preceding section
- 27 Provisions supplementary to s.25 and s.26
- 28 Applications for certificates of bad husbandry
- 29 Prevention of deterioration of holding after grant of certificate of bad husbandry
- 30 Provisions as to breach of condition attached to consent to operation of notice to quit
- 31 Provisions as to notices to quit where holding agreed to be sold
- 32 Notices to quit part of holdings not to be invalid in certain cases
- 33 Tenant's right to treat notice to quit part of holding as notice to quit entire holding
- 34 Reduction of rent where tenant dispossessed of part of holding

Compensation to tenant for disturbance

- 35 Right to, and measure of, compensation for disturbance

*Compensation to tenant, on termination of tenancy,
for improvements begun before 1st November, 1948*

- 36 Application of sections 37 to 46
- 37 Right of tenant to compensation for old improvements
- 38 Amount of compensation for old improvements
- 39 Compensation for certain old improvements conditional on consent of landlord
- 40 Compensation for certain old improvements conditional on notice to landlord
- 41 Conditions attaching to right to compensation for repairs to buildings
- 42 Agreements as to compensation for old improvements specified in Part III of Second or Third Schedule
- 43 Compensation in respect of temporary pasture
- 44 Reduction in amount of, or exclusion of right to, compensation for old improvements in certain cases
- 45 Provision as to change of tenancy
- 46 Right to compensation for old improvements of tenant who has paid compensation therefor to outgoing tenant

*Compensation to tenant, on termination of tenancy, for
improvements begun on or after 1st November, 1948*

- 47 Application of sections 48 to 55
- 48 Tenant's right to compensation for new improvements

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

- 49 Amount of compensation for new improvements
- 50 Compensation for Sch. I, Pt. I, improvements conditional on consent of landlord
- 51 Compensation for Sch. I, Pt. II, improvements conditional on notice to landlord
- 52 Compensation for Sch. I, Pt. II, improvements conditional on approval of Secretary of State in certain cases
- 53 Compensation in respect of temporary pasture
- 54 Provision as to change of tenancy
- 55 Right to compensation for new improvements of tenant who has paid compensation therefor to outgoing tenant

*Compensation to tenant, on termination of tenancy,
for continuous adoption of special standard of farming*

- 56 Compensation for continuous adoption of special standard of farming

Compensation to landlord, on termination of tenancy, for deterioration of holding

- 57 Compensation to landlord for deterioration, etc., of particular parts of holding
- 58 Compensation to landlord for general deterioration of holding
- 59 Provisions supplementary to s.57 and s.58

Supplementary provisions with respect to compensation

- 60 Compensation provisions of this Act to apply to parts of holdings in certain cases
- 61 Determination of claims for compensation where holding is divided
- 62 Adjustment of compensation in respect of ploughing grants
- 63 Compensation not to be payable for things done in compliance with this Act
- 64 Extent to which compensation recoverable under agreements

Special provisions affecting market gardens as regards compensation and fixtures

- 65 Effect of agreement to let or treat an agricultural holding as a market garden
- 66 Power of Secretary of State in default of agreement to treat an agricultural holding as a market garden
- 67 Agreements as to compensation relating to market gardens

Settlement of claims between landlord and tenant on termination of tenancy

- 68 Settlement of claims by arbitration

Recovery of sums due under this Act

- 69 Recovery of compensation and other sums due
- 70 Power of tenant to obtain charge on holding in respect of compensation

Supplementary provisions

- 71 Representations to the Secretary of State
- 72 References to the Land Court
- 73 Proceedings of the Land Court

- 74 Matters to be referred to arbitration
- 75 Provisions as to arbitrations
- 76 Constitution of panel of arbiters, and provisions as to remuneration of arbiter
- 77 Appointment of arbiter in cases to which the Secretary of State is a party
- 78 Determination of questions by Land Court in lieu of arbitration
- 79 Power of Secretary of State to vary First and Fourth Schedules to this Act
- 80 Power of limited owners to give consents, etc.
- 81 Power of heir of entail to apply entailed moneys for improvements
- 82 Power of landlord to obtain charge on holding in respect of compensation, etc., paid by him
- 83 Power of land improvement companies to advance money
- 84 Appointment of guardian to landlord or tenant in certain cases
- 85 Validity of consents, etc.

Provisions as to Crown land

- 86 Application of Act to Crown land
- 87 Determination of matters relating to holdings of which the Secretary of State is landlord or tenant

General

- 88 Expenses and receipts
- 89 Provisions as to entry and inspection
- 90 Service of notices, etc.
- 91 Prohibition of appeal from sheriff substitute
- 92 Revocation and variation of orders
- 93 Interpretation
- 94 Amendments of other Acts
- 95 Construction of references in other Acts to holdings as defined by the Agricultural Holdings (Scotland) Act, 1923
- 96 Improvements carried out before 1909
- 97 Repeal of enactments
- 98 Provisions as to tenants quitting before commencement of this Act, or thereafter in consequence of notice given, etc., before 1st November, 1948
- 99 General savings
- 100 Saving for other rights, etc.
- 101 Short title and extent

SCHEDULES

FIRST SCHEDULE — Improvements begun on or after 1st November, 1948, for which compensation may be payable

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.
 - 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 — Improvements begun before 31st July, 1931, for which
SCHEDULE compensation may be payable
- PART I — IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE IF
CONSENT OF LANDLORD WAS OBTAINED TO THEIR EXECUTION
 - 1 Erection, alteration, or enlargement of buildings.
 - 2 Formation of silos.
 - 3 Laying down of permanent pasture.
 - 4 Making and planting of osier beds.
 - 5 Making of water meadows or works of irrigation.
 - 6 Making of gardens.
 - 7 Making or improvement of roads or bridges.
 - 8 Making or improvement of watercourses, ponds, wells, or reservoirs,
or...
 - 9 Making or removal of permanent fences.
 - 10 Planting of hops.
 - 11 Planting of orchards or fruit bushes.
 - 12 Protecting young fruit trees.

- 13 Reclaiming of waste land.
- 14 Warping or weiring of land.
- 15 Embankments and sluices against floods.
- 16 Erection of wirework in hop gardens.
- 17 Provision of permanent sheep dipping accommodation.
- 18 In the case of arable land the removal of bracken,...
- PART II — IMPROVEMENT FOR WHICH COMPENSATION IS PAYABLE IF
NOTICE WAS GIVEN TO LANDLORD BEFORE EXECUTION THEREOF
- 19 Drainage.
- PART III — IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE
WITHOUT CONSENT OF, OR NOTICE TO, LANDLORD OF THEIR
EXECUTION
- 20 Chalking of land.
- 21 Clay-burning.
- 22 Claying of land or spreading blaes upon land.
- 23 Liming of land.
- 24 Marling of land.
- 25 Application to land of purchased artificial or other purchased manure....
- 26 Consumption on the holding by cattle, sheep, or pigs, or...
- 27 Consumption on the holding by cattle, sheep, or pigs, or...
- 28 Laying down temporary pasture with clover, grass, lucerne, sainfoin,
or...
- 29 Repairs to buildings, being buildings necessary for the proper
cultivation...

THIRD SCHEDULE — Improvements begun on or after 31st July, 1931, and before 1st
November, 1948, for which compensation may be payable

PART I — IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE IF
CONSENT OF LANDLORD WAS OBTAINED TO THEIR EXECUTION

- 1 Erection, alteration, or enlargement of buildings.
- 2 Laying down of permanent pasture.
- 3 Making and planting of osier beds.
- 4 Making of water meadows or works of irrigation.
- 5 Making of gardens.
- 6 Planting of orchards or fruit bushes.
- 7 Protecting young fruit trees.
- 8 Warping or weiring of land.
- 9 Making of embankments and sluices against floods.
- PART II — IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE IF
NOTICE WAS GIVEN TO LANDLORD BEFORE EXECUTION THEREOF
- 10 Drainage.
- 11 Formation of silos.
- 12 Making or improvement of roads or bridges.
- 13 Making or improvement of watercourses, ponds or wells, or of...
- 14 Making or removal of permanent fences.
- 15 Reclaiming of waste land.
- 16 Repairing or renewal of embankments and sluices against floods.
- 17 Provision of sheep dipping accommodation.
- 18 The provision of electrical equipment other than moveable fittings and...
- PART III — IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE
WITHOUT CONSENT OF, OR NOTICE TO, LANDLORD OF THEIR
EXECUTION
- 19 Chalking of land.

- 20 Clay-burning.
- 21 Claying of land or spreading blaes upon land.
- 22 Liming of land.
- 23 Marling of land.
- 24 Eradication of bracken, whins, or gorse growing on the holding...
- 25 Application to land of purchased artificial or other purchased manure....
- 26 Consumption on the holding by cattle, sheep, or pigs, or...
- 27 Consumption on the holding by cattle, sheep, or pigs, or...
- 28 Laying down temporary pasture with clover, grass, lucerne, sainfoin,
or...
- 29 Repairs to buildings, being buildings necessary for the proper
cultivation...

FOURTH SCHEDULE — Market garden improvements for which compensation may be payable

- 1 Planting of standard or other fruit trees permanently set out....
- 2 Planting of fruit bushes permanently set out.
- 3 Planting of strawberry plants.
- 4 Planting of asparagus, rhubarb, and other vegetable crops which
continue...
- 5 Erection, alteration or enlargement of buildings for the purpose of...

FIFTH 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...

SIXTH SCHEDULE — Provisions as to arbitrations

Appointment of arbiter

- 1 A person agreed upon between the parties or, in default...
- 2 If a person appointed arbiter dies, or is incapable of...
- 3 Neither party shall have power to revoke the appointment of...
- 4 Every appointment, notice, revocation and consent under the foregoing
provisions...

Particulars of Claim

- 5 Each of the parties to the arbitration shall within fourteen...

Evidence

- 6 The parties to the arbitration, and all persons claiming through...
- 7 The arbiter shall have power to administer oaths, and to...

Award

- 8 The arbiter shall make and sign his award within two...
- 9 The arbiter may, if he thinks fit, make an interim...
- 10 The award shall be in such form as may be...
- 11 The arbiter shall— (a) state separately in his award the...

- 12 Where by virtue of this Act compensation under an agreement...
- 13 The award shall fix a day not later than one...
- 14 The award to be made by the arbiter shall be...
- 15 The arbiter may correct in an award any clerical mistake...

Expenses

- 16 The expenses of and incidental to the arbitration and award...
- 17 The arbiter shall, in awarding expenses, take into consideration the...
- 18 It shall not be lawful to include in the expenses...

Statement of case

- 19 The arbiter may at any stage of the proceedings, and...
- 20 The opinion of the sheriff on any case stated under...

Removal of arbiter and setting aside of award

- 21 Where an arbiter has misconducted himself the sheriff may remove...
- 22 When an arbiter has misconducted himself, or an arbitration or...

Forms

- 23 Any forms for proceedings in arbitrations under this Act which...

SEVENTH — Amendments of other Acts
SCHEDULE

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

The Hill Farming Act, 1946

EIGHTH SCHEDULE — Enactments Repealed