

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1949 (repealed 25.9.1991), SEVENTH SCHEDULE. (See end of Document for details)

SCHEDULES

SEVENTH SCHEDULE

Section 94

AMENDMENTS OF OTHER ACTS

Modifications etc. (not altering text)

- C1** The text of Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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

In section twenty-six, for subsection (2) there shall be substituted the following subsection:—

- “(2) This Part of this Act may be cited as the Small Landholders (Scotland) Act, 1931, and shall be construed as one with the Small Landholders (Scotland) Acts, 1886 to 1919, and those Acts and this Part of this Act may be cited together as the Small Landholders (Scotland) Acts, 1886 to 1931.”

The Hill Farming Act, 1946

The Hill Farming Act, 1946, shall, in its application to Scotland, have effect with the substitution for section nine thereof of the following section—

“9 Operation of the Agricultural Holdings (Scotland) Act, 1949, in relation to improvement schemes.

- (1) Subject to the provisions of this section, the Agricultural Holdings (Scotland) Act, 1949, shall apply to improvements for which provision is made by an approved hill farming land improvement scheme as it applies to other improvements.
- (2) Where a tenant of an agricultural holding within the meaning of the said Act of 1949 has carried out thereon an improvement specified in Part I or Part II of the First Schedule to that Act in accordance with provision in such a scheme for the carrying out of the improvement and for the tenant’s being responsible for doing the work, being provision included in the scheme at the instance or with the consent of the landlord, then—
 - (a) in the case of an improvement specified in the said Part I, the landlord shall be deemed to have consented as mentioned in section fifty of that Act in relation to the improvement; or
 - (b) in the case of an improvement specified in the said Part II, the tenant shall be deemed to have given notice to the landlord as mentioned in section fifty-one of that Act in relation to the improvement and the landlord shall be deemed to have received the notice and to have given no such notice to the tenant as is mentioned in section fifty-two of that Act objecting to the carrying out of the improvement or to the manner in which the tenant proposes to carry out the work;

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and any agreement as to compensation or otherwise made between the landlord and the tenant in relation to the improvement shall have effect as if it had been such an agreement on terms as is mentioned in the said section fifty or the said section fifty-one as the case may be.

- (3) If on the ground of work being badly done the appropriate Minister withholds or reduces the improvement grant in respect of an improvement, he may direct that any right conferred by section eight of the Agricultural Holdings (Scotland) Act, 1949, to have the rent of an agricultural holding increased shall not be exercisable in respect of the improvement, or shall be exercisable only to such extent as may be specified in the direction, and any such direction given after that right has been exercised shall be retrospective and any excess rent paid shall be repaid accordingly.
- (4) In assessing the amount of any compensation payable, whether under the said Act of 1949 or under custom or agreement, to the tenant of an agricultural holding, if it is shown to the satisfaction of the person assessing the compensation that the improvement or cultivations in respect of which the compensation is claimed was or were wholly or in part the result of or incidental to work in respect of the cost of which an improvement grant has been paid or will be payable, the amount of the grant shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his executing the improvement or cultivations, and the compensation shall be reduced to such extent as that person considers appropriate.”

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