

SCHEDULES

FIRST SCHEDULE Sections 11, 47, 50, 51, 52, 53, 63, 65, 79,
81, 86.

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 of the carrying out of any improvement made by the landlord for which" the tenant is liable to pay increased rent.

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 and fords.
- 12 Making or improvement of watercourses, ponds or wells, or of works for the application of water power for agricultural or domestic purposes or for the supply of water for such purposes.
- 13 Making or removal of permanent fences, including hedges, stone dykes and gates.
- 14 Reclaiming of waste land.
- 15 Renewal of embankments and sluices against floods.
- 16 Provision of stells, fanks, folds, dippers, pens and bughts necessary for the proper conduct of the holding.

- 17 Provision or laying on of electric light or power, including the provision of generating plant, fixed motors, wiring systems, switches and plug sockets.
- 18 Erection, alteration or enlargement of buildings, and making or improvement of permanent yards, loading banks and stocks.
- 19 Erection of hay or sheaf sheds, sheaf or grain drying racks, and implement sheds.
- 20 Provision of fixed threshing mills, barn machinery and fixed dairying plant.
- 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 efficient farming of the holding, other than repairs which the tenant is under an obligation to carry out.

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 at the commencement of the tenancy and, in the case of arable land, removal of tree roots, boulders, stones or other like obstacles to cultivation.
- 31 Application to land of purchased manure (including artificial manure).
- 32 Consumption on the holding of corn (whether produced on the holding or not) or of cake or other feeding stuff not produced on the holding by
 - (a) horses, cattle, sheep or pigs ; or
 - (b) poultry folded on the land as part of a system of farming practised on the holding.
- 33 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than two years prior to the termination of the tenancy, in so far as the value of the temporary pasture on the holding at the time of quitting exceeds the value of the temporary pasture on the holding at the commencement of the tenancy for which the tenant did not pay compensation.

SECOND SCHEDULE Sections 36, 39, 40, 41, 42, 44, 63, 65, 81,
86.

IMPROVEMENTS BEGUN BEFORE 31ST JULY, 1931,
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 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 of works for the application of water power or for supply of water for agricultural or domestic purposes.
- 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, gorse, tree roots, boulders, or other like obstructions to cultivation.

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 by horses other than those regularly employed on the holding, of corn, cake, or other feeding stuff not produced on the holding.
- 27 Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn proved by satisfactory evidence to have been produced and consumed on the holding.
- 28 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than two years prior to the termination of the tenancy, in so far as the value of the temporary pasture on the holding at the time of quitting exceeds the value of the temporary pasture on the holding at the commencement of the tenancy for which the tenant did not pay compensation.
- 29 Repairs to buildings, being buildings necessary for the proper cultivation or working of the holding, other than repairs which the tenant is himself under an obligation to execute.

THIRD SCHEDULE Sections 36, 39, 40, 41, 42, 43, 44, 63, 65,
 81, 86.

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.

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

- 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 works for the application of water power or for the supply of water for agricultural or domestic purposes.
- 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 appliances.

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 at the commencement of a tenancy and in the case of arable land the removal of tree roots, boulders, stones or other like obstacles to cultivation.
- 25 Application to land of purchased artificial or other purchased manure.
- 26 Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn, cake, or other feeding stuff not produced on the holding.
- 27 Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn proved by satisfactory evidence to have been produced and consumed on the holding.

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- 28 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than two years prior to the termination of the tenancy, in so far as the value of the temporary pasture on the holding at the time of quitting exceeds the value of the temporary pasture on the holding at the commencement of the tenancy for which the tenant did not pay compensation.
- 29 Repairs to buildings, being buildings necessary for the proper cultivation or working of the holding, other than repairs which the tenant is himself under an obligation to execute.

FOURTH SCHEDULE

Sections 65, 66, 79, 86.

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 productive for two or more years.
- 5 Erection, alteration or enlargement of buildings for the purpose of the trade or business of a market gardener.

FIFTH SCHEDULE

Section 4.

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 a map or plan, of the fields and other parcels of land comprised therein to identify the extent of the holding.
- 3 The term or terms for which the holding or different parts thereof is or are agreed to be let.
- 4 The rent and the dates on which it is payable.
- 5 An undertaking by the landlord in the event of damage by fire to any building comprised in the holding to reinstate or replace the building if its reinstatement or replacement is required for the fulfilment of his responsibilities to manage the holding in accordance with the rules of good estate management, and (except where the interest of the landlord is held for the purposes of a government department or a person representing His Majesty under section eighty-six of this Act is deemed to be the landlord, or where the landlord has made provision approved by the Secretary of State for defraying the cost of any such reinstatement or replacement as aforesaid) an undertaking by the landlord to insure to their full value all such buildings against damage by fire.
- 6 An undertaking by the tenant, in the event of the destruction by fire of harvested crops grown on the holding for consumption thereon, to return to the holding the full equivalent manorial value of the crops destroyed, in so far as the return thereof

is required for the fulfilment of his responsibilities to farm in accordance with the rules of good husbandry, and (except where the interest of the tenant is held for the purposes of a government department or where the tenant has made provision approved by the Secretary of State in lieu of such insurance) an undertaking by the tenant to insure to their full value all dead stock on the holding and all such harvested crops as aforesaid against damage by fire.

SIXTH SCHEDULE

Sections 75, 76, 99.

PROVISIONS AS TO ARBITRATIONS

Appointment of arbiter

- 1 A person agreed upon between the parties or, in default of agreement, appointed on the application in writing of either of the parties by the Secretary of State from among the members of the panel constituted under this Act for the purpose, shall be appointed arbiter.
- 2 If a person appointed arbiter dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, a new arbiter may be appointed as if no arbiter had been appointed.
- 3 Neither party shall have power to revoke the appointment of the arbiter without the consent of the other party.
- 4 Every appointment, notice, revocation and consent under the foregoing provisions of this Schedule must be in writing.

Particulars of Claim

- 5 Each of the parties to the arbitration shall within fourteen days from the appointment of the arbiter deliver to him a statement of that party's case with all necessary particulars ; and
 - (a) no amendment or addition to the statement or particulars delivered shall be allowed after the expiration of the said fourteen days except with the consent of the arbiter;
 - (b) a party to the arbitration shall be confined at the hearing to the matters alleged in the statement and particulars so delivered and any amendment thereof or addition thereto duly made.

Evidence

- 6 The parties to the arbitration, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbiter on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbiter all samples, books, deeds, papers, accounts, writings, and documents, within their possession or power respectively which may be required or called for, and do all other things which during the proceedings the arbiter may require.

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7 The arbiter shall have power to administer oaths, and to take the affirmation of parties and witnesses appearing, and witnesses shall, if the arbiter thinks fit, be examined on oath or affirmation.

Award

8 The arbiter shall make and sign his award within two months of his appointment or within such longer period as may, either before or after the expiry of the aforesaid period be agreed to in writing by the parties, or be fixed by the Secretary of State.

9 The arbiter may, if he thinks fit, make an interim award for the payment of any sum on account of the sura to be finally awarded.

10 The award shall be in such form as may be specified by statutory instrument made by the Secretary of State.

11 The arbiter shall—

- (a) state separately in his award the amounts awarded in respect of the several claims referred to him ; and
- (b) on the application of either party, specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award.

12 Where by virtue of this Act compensation under an agreement is to be substituted for compensation under this Act for improvements, the arbiter shall award compensation in accordance with the agreement instead of in accordance with this Act.

13 The award shall fix a day not later than one month after delivery of the award for the payment of the money awarded as compensation, expenses or otherwise.

14 The award to be made by the arbiter shall be final and binding on the parties and the persons claiming under them respectively.

15 The arbiter may correct in an award any clerical mistake or error arising from any accidental slip or omission.

Expenses

16 The expenses of and incidental to the arbitration and award shall be in the discretion of the arbiter, who may direct to and by whom and in what manner those expenses or any part thereof are to be paid, and the expenses shall be subject to taxation by the auditor of the sheriff court on the application of either party, but that taxation shall be subject to review by the sheriff.

17 The arbiter shall, in awarding expenses, take into consideration the reasonableness or unreasonableness of the claim of either party whether in respect of amount or otherwise, and any unreasonable demand for particulars or refusal to supply particulars, and generally all the circumstances of the case, and may disallow the expenses of any witness whom he considers to have been called unnecessarily and any other expenses which he considers to have been incurred unnecessarily.

18 It shall not be lawful to include in the expenses of and incidental to the arbitration and award, or to charge against any of the parties, any sum payable in respect of remuneration or expenses to any person appointed by the arbiter to act as clerk or otherwise to assist him in the arbitration unless such appointment was made after

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submission of the claim and answers to the arbiter and with either the consent of the parties to the arbitration or the sanction of the sheriff.

Statement of case

- 19 The arbiter may at any stage of the proceedings, and shall, if so directed by the sheriff (which direction may be given on the application of either party), state a case for the opinion of the sheriff on any question of law arising in the course of the arbitration.
- 20 The opinion of the sheriff on any case stated under the last foregoing paragraph shall be final unless, within such time and in accordance with such conditions as may be specified by act of sederunt, either party appeals to the Court of Session, from whose decision no appeal shall lie.

Removal of arbiter and setting aside of award

- 21 Where an arbiter has misconducted himself the sheriff may remove him.
- 22 When an arbiter has misconducted himself, or an arbitration or award has been improperly procured, the sheriff may set the award aside.

Forms

- 23 Any forms for proceedings in arbitrations under this Act which may be specified by statutory instrument made by the Secretary of State shall, if used, be sufficient.

SEVENTH SCHEDULE

Section 94.

AMENDMENTS OF OTHER ACTS

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.

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- (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;
- 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.”

EIGHTH SCHEDULE

Sections 97, 98, 99.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
13 & 14 Geo. 5. c. 10.	The Agricultural Holdings (Scotland) Act, 1923.	The whole Act.
13 & 14 Geo. 5. c. 25.	The Agriculture (Amendment) Act, 1923.	The whole Act.

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Session and Chapter	Short Title	Extent of Repeal
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	In section forty-eight, the words from " or by an arbiter " to the end of the section.
21 & 22 Geo. 5. c. 42.	The Agricultural Marketing Act, 1931.	In section nineteen, in paragraph (b) the words " or other occupier of an agricultural holding ", and the words from " or by an arbiter " to the end of the paragraph.
21 & 22 Geo. 5. c. 44.	The Small Landholders and Agricultural Holdings (Scotland) Act, 1931.	Part II. In section forty-one, in subsection (1) the words from "and the Small Landholders Acts" to the end of the subsection.
1 Edw. 8 and 1 Geo. 6. c. 70.	The Agriculture Act, 1937.	Section five, so far as it relates to agricultural holdings.
2 & 3 Geo. 6. c. 48.	The Agricultural Development Act, 1939.	In section thirty, subsection (2) so far as it relates to agricultural holdings.
6 & 7 Geo. 6. c. 16.	The Agriculture (Miscellaneous Provisions) Act, 1943.	Section twenty-one.
9 & 10 Geo. 6. c. 73.	The Hill Farming Act, 1946.	In section thirty-nine, in subsection (1), paragraph (c).
11 & 12 Geo. 6. c. 45.	The Agriculture (Scotland) Act, 1948.	Part I, except section eight in relation to notices to quit given before the commencement of this Act and except section twenty-five so far as relating to the provisions therein mentioned so far as continued in force by this Act. In section eighty-four, the words " the Agricultural Holdings (Scotland) Acts, 1923 and 1931, or ". The First and Second Schedules. In the Third Schedule, in paragraph 2, the words from " or a direction " to "

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Session and Chapter	Short Title	Extent of Repeal
		permanent pasture" where those words first occur, and in paragraph 4, the words from the beginning to " this Act".
		The Fourth and Ninth Schedules.

TABLE OF STATUTES REFERRED TO IN THIS ACT.

Short Title	Session and Chapter
Removal Terms (Scotland) Act, 1886	49 & 50 Vict. c. 50.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Arbitration (Scotland) Act, 1894	57 & 58 Vict. c. 13.
Sheriff Courts (Scotland) Act, 1907	7 Edw. 7. c. 51.
Agricultural Holdings (Scotland) Act, 1908	8 Edw. 7. c. 64.
Bankruptcy (Scotland) Act, 1913	3 & 4 Geo. 5. c. 20.
Income Tax Act, 1918	8 & 9 Geo. 5. c. 40.
Allotments (Scotland) Act, 1922	12 & 13 Geo. 5. c. 52.
Agricultural Holdings (Scotland) Act, 1923	13 & 14 Geo. 5. c. 10.
Crown Lands Act, 1927	17 & 18 Geo. 5. c. 23.
Local Government (Scotland) Act, 1929	19 & 20 Geo. 5. c. 25.
Agricultural Marketing Act, 1931	21 & 22 Geo. 5. c. 42.
Small Landholders and Agricultural Holdings (Scotland) Act, 1931	21 & 22 Geo. 5. c. 44.
Agriculture Act, 1937	1 Edw. 8. and 1 Geo. 6. c. 70.
Agricultural Development Act, 1939	2 & 3 Geo. 6. c. 48.
Agriculture (Miscellaneous War Provisions) Act, 1940	3 & 4 Geo. 6. c. 14.
Agriculture (Miscellaneous Provisions) Act, 1943	6 & 7 Geo. 6. c. 16.
Hill Farming Act, 1946	9 & 10 Geo. 6. c. 73.
Water (Scotland) Act, 1946	9 & 10 Geo. 6. c. 42.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.