
S T A T U T O R Y I N S T R U M E N T S

1974 No. 1213 (S.102)**LAND DRAINAGE****The Land Drainage (Form of Notice of Apportionment)
(Scotland) Regulations 1974**

Made - - - 12th July 1974

Coming into Operation 2nd September 1974

The Secretary of State in exercise of the powers conferred upon him by section 5(3) and (4) of the Land Drainage (Scotland) Act 1958(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Land Drainage (Form of Notice of Apportionment) (Scotland) Regulations 1974 and shall come into operation on 2nd September 1974.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2. A Notice of any apportionment made under section 5 of the Land Drainage (Scotland) Act 1958 shall be in the form set out in the Schedule to these regulations or in a form substantially to the like effect.

Given under the Seal of the Secretary of State for Scotland.

S. H. Wright,
Assistant Secretary.

Department of Agriculture
and Fisheries for Scotland,

Chesser House,
Edinburgh.
12th July 1974.

(a) 1958 c. 24.

(b) 1889 c. 63.

SCHEDULE

Regulation 2

FORM OF NOTICE OF APPORTIONMENT

(This form may require adaptation to meet particular circumstances.)

*Notice of Apportionment under section 5(3) of the
Land Drainage (Scotland) Act 1958*

WHEREAS All and Whole ¹ (hereinafter referred to as "the whole area") is agricultural land situated in the improvement area to which the Improvement Order 19 dated and recorded in the Division of the General Register of Sasines applicable to the County of on ² relates;

AND WHEREAS the whole area was until in the ownership of one person and came on the said date to be held by (*insert number*) separate owners as follows, that is to say by ³ in respect of the portion of the whole area comprising All and Whole ⁴ (which portion is hereinafter referred to as "the first portion of the whole area") and by ⁵ in respect of the portion of the whole area comprising All and Whole ⁶ (which portion is hereinafter referred to as "the second portion of the whole area") and by ⁷;

AND WHEREAS the owner for the time being of the whole area was, under the said [Improvement Order] ⁸ [and Variation Order] [Notice of Apportionment dated and recorded in the said Division of the General Register of Sasines on] liable to bear [a share of] [the cost of improvement under the said Order and [of]] the cost of maintaining the [drainage] [and] [protective] works executed in pursuance of such Order;

NOW THEREFORE notice is hereby given that in pursuance of section 5(3) of the Land Drainage (Scotland) Act 1958, [it has been agreed between the said (*insert number*) separate owners] [the Land Court by order dated has determined] that on and after the said liability falling on the owner for the time being of the whole area immediately before the said date shall be borne in the manner following, that is to say--

- (a) the owner for the time being of the first portion of the whole area shall be liable to bear a share of [the cost of said improvement and of] the cost of maintaining the said [drainage] [and] [protective] works and
- (b) the owner for the time being of the second portion of the whole area shall be liable to bear a share of the said cost[s].

(Where there are more than two separate owners, continue until liability of all separate owners has been specified.)

To be attested ⁹.

1. Insert description of agricultural land situated in improvement area and hitherto in the ownership of one person but now in the ownership of two or more separate persons. Where possible, specify a deed which contains a description of the land and which has been recorded in the Register of Sasines.

2. If the Improvement Order has been varied by a subsequent order or a previous Notice of Apportionment has been recorded, the variation order or Notice of Apportionment and its date and date of recording in the Register of Sasines should also be specified.

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3. Insert name and designation of one of separate owners. In a case where the previous owner of the whole area has retained a portion of that area insert the name and designation of that owner and add "the owner of the whole area until the said date".
 4. Insert description which should, where possible, identify the land by reference to a deed (or deeds) recorded in the Register of Sasines.
 5. Insert name and designation of second separate owner.
 6. Insert description which should, where possible, identify the land as aforesaid.
 7. Where there are more than two separate owners, continue until all the separate owners and the areas owned by them have been described.
 8. The words in square brackets where not applicable should be deleted.
 9. A warrant of registration on behalf of each separate owner shall be added.
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EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Land Drainage (Scotland) Act 1958 provides for the making of improvement orders by the Secretary of State authorising the execution of drainage works to improve the drainage of agricultural land or to prevent or mitigate flooding or erosion to which the land is subject. The owners of agricultural land in the area to which the order relates are each liable for such share of the cost of executing and maintaining such works as the improvement order may provide.

These Regulations prescribe the form of notice to be used in respect of an apportionment of liability under an improvement order in a case where agricultural land situated in the area to which the order relates has been in the ownership of one person and comes to be held by two or more separate owners.

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