

1978 No. 798 (S.68)

LANDLORD AND TENANT

AGRICULTURAL HOLDINGS

**The Agricultural Holdings (Scotland) Act 1949
(Variation of First Schedule) Order 1978**

<i>Made - - - -</i>	<i>5th April 1978</i>
<i>Laid before Parliament</i>	<i>12th April 1978</i>
<i>Coming into Operation</i>	<i>1st July 1978</i>

In exercise of the powers conferred on me by section 79(1) of the Agricultural Holdings (Scotland) Act 1949(a) and of all other powers enabling me in that behalf, and after consultation with persons appearing to me to represent the interests of landlords and tenants of agricultural holdings, I hereby make the following order:—

Citation and commencement

1. This order may be cited as the Agricultural Holdings (Scotland) Act 1949 (Variation of First Schedule) Order 1978 and shall come into operation on 1st July 1978.

Interpretation

2.—(1) In this order, the expression “the Act” means the Agricultural Holdings (Scotland) Act 1949.

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

Variation of the Act

3.—(1) Part III of the First Schedule to the Act (which specifies improvements for which compensation may be payable in accordance with the provisions of the Act) shall be varied in accordance with the Schedule to this order.

(2) Save as otherwise provided in this order, every reference in the Act to Part III of the First Schedule shall be construed as a reference to the said Part III as varied by this order.

Bruce Millan,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
5th April 1978.

(a) 1949 c. 75.

(b) 1889 c. 63.

SCHEDULE

1. Part III of the First Schedule to the Act shall be varied as follows:—
- (1) paragraph 25 (Chalking of land) shall be omitted;
 - (2) in paragraph 28 (Liming of land), immediately after the word “liming” there shall be inserted the words “(including chalking)”;
 - (3) in paragraph 31 (Application to land of purchased manure), for the words “manure (including artificial manure)” there shall be substituted the words “manure and fertiliser, whether organic or inorganic”;
 - (4) in paragraph 32 (Consumption on the holding of corn), for the words from “by” to the end there shall be substituted the words “by horses, cattle, sheep, pigs or poultry”.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order which comes into operation on 1st July 1978 makes certain amendments to Part III of the First Schedule to the Agricultural Holdings (Scotland) Act 1949. The First Schedule lists the improvements for which a tenant may be entitled to compensation from the landlord, at the termination of the tenancy. Part III lists those improvements in respect of which no consent of or intimation to the landlord is required before the improvements are made. The amendments bring the wording of this Part of the Schedule into line with current agricultural practice. The necessary resolutions were passed by the House of Commons on 5th May 1978 and by the House of Lords on 19th May 1978.

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