



Small Landholders (Scotland) Act 1911

1911 CHAPTER 49 1 and 2 Geo 5

16 Amendment of law as to enlargement of holdings.

- (1) The provisions of the Act of 1886, relative to the enlargement of holdings, are hereby extended to an application for enlargement of a holding by a single landholder or two or more landholders, and shall apply in the case of an application by a single landholder as nearly as may be in the same manner and to the same effect as in the case of an application by two or more landholders:

[^{F1}Provided that all applications for enlargement under section eleven of the Act of 1886 shall be made to the Board]^{F2} (or, in the case of applications mentioned in subsection (1A), the Crofting Commission)], and the provisions of the section of this Act relating to the constitution of new holdings shall, with the necessary modifications, apply as fully for the purpose of applications for enlargement as for the purpose of the constitution of new holdings, and accordingly the Board]^{F3} (or, as the case may be, the Crofting Commission)] shall be substituted for the Land Court in sections twelve (except the last paragraph of the said section twelve), thirteen, fourteen, fifteen and twenty-one of the Act of 1886 (except the last two paragraphs of the said section twenty-one), and the said section twenty-one shall be further amended by the omission therefrom of the words “or otherwise interested in” and of the words “including heritable creditors holding securities over the same.”]

[^{F4}(1A) The applications referred to in subsection (1) which are to be made to the Crofting Commission are those for enlargement of holdings situated in an area designated by order under section 3A(1)(b) of the Crofters (Scotland) Act 1993 (c.44) (new crofts).]

- (2) . . . ^{F5} land shall not be deemed available land for the enlargement of a holding otherwise than by agreement, unless it is land in respect of which a person would be admissible to registration otherwise than by agreement as a new holder under this Act, and, if arable land, unless it lies contiguous or near to land already in the occupancy of the landholder making the application; and provided further that a holding shall not be enlarged so that the rent or [^{F6}area in hectares] thereof shall exceed the rent or [^{F6}area in hectares] competent for a new holding under this Act.

Changes to legislation: There are currently no known outstanding effects for the Small Landholders (Scotland) Act 1911, Section 16. (See end of Document for details)

Textual Amendments

- F1** Proviso substituted by [Land Settlement \(Scotland\) Act 1919 \(c. 97\), s. 11](#)
- F2** Words in s. 16(1) inserted (22.12.2010) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\), s. 57\(2\), Sch. 4 para. 1\(3\)\(a\)\(i\)](#) (with s. 57(4)); S.S.I. 2010/437, art. 3, Sch. (with art. 4)
- F3** Words in s. 16(1) inserted (22.12.2010) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\), s. 57\(2\), Sch. 4 para. 1\(3\)\(a\)\(ii\)](#) (with s. 57(4)); S.S.I. 2010/437, art. 3, Sch. (with art. 4)
- F4** S. 16(1A) inserted (22.12.2010) by [Crofting Reform \(Scotland\) Act 2010 \(asp 14\), s. 57\(2\), Sch. 4 para. 1\(3\)\(b\)](#) (with s. 57(4)); S.S.I. 2010/437, art. 3, Sch. (with art. 4)
- F5** Words repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)
- F6** Words substituted by [S.I. 1977/2007, reg. 2, Sch. 1](#)

Modifications etc. (not altering text)

- C1** S. 16 excluded by [Small Landholders and Agricultural Holdings \(Scotland\) Act 1931 \(c. 44\), s. 7](#)

Changes to legislation:

There are currently no known outstanding effects for the Small Landholders (Scotland) Act 1911, Section 16.