
Status: Point in time view as at 01/02/1991.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to legislation: There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1949 (repealed 25.9.1991). (See end of Document for details)

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.

Status: Point in time view as at 01/02/1991.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 Holdings (Scotland) Act 1949 (repealed 25.9.1991). (See end of Document for details)*

- 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.

Modifications etc. (not altering text)

- C1** Sch. 1 Pt. II para. 18 amended by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 95(4), [Sch. 8 Pt. IV para. 13\(2\)](#)

- 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.

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). (See end of Document for details)

PART III

IMPROVEMENTS IN RESPECT OF WHICH CONSENT OF, OR NOTICE TO, LANDLORD IS NOT REQUIRED

24 Protecting fruit trees against animals.

F1

25

Textual Amendments

F1 Sch. 1 Pt. III para. 25 repealed by S.I. 1978/798, art. 3, Sch.

26 Clay burning.

27 Claying of land.

28 Liming [^{F2}(including chalking)] of land.

Textual Amendments

F2 Words inserted by S.I. 1978/798, art. 3, Sch.

29 Marling of land.

30 Eradication of bracken, whins or broom growing on the holding at the commencement of the tenancy and, in the cases of arable land, removal of tree roots, boulders, stones or other like obstacles to cultivation.

31 Application to land of purchased [^{F3}manure and fertiliser, whether organic or inorganic].

Textual Amendments

F3 Words substituted by S.I. 1978/798, art. 3, Sch.

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 [^{F4}by horses, cattle, sheep, pigs or poultry].

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). (See end of Document for details)

Textual Amendments

F4 Words substituted by [S.I. 1978/798, art. 3, Sch.](#)

- 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, alterations, 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.

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)*. (See end of Document for details)

- 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.

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)*. (See end of Document for details)

- 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.

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)*. (See end of Document for details)

- 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.
- 7 Protecting young fruit trees.
- 8 Warping or weiring of land.
- 9 Making of ernbankments 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.

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). (See end of Document for details)

- 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.
- 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.

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). (See end of Document for details)

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.

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). (See end of Document for details)

- 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

Modifications etc. (not altering text)

- C2** Sch. 6 extended by Agricultural (Miscellaneous Provisions) Act 1968 (c. 34), s. 11(5)
C3 Sch. 6 extended by S.I. 1986/1613, reg. 15(3)
C4 Sch. 6 modified by S.I. 1987/882, art. 15(3)

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 the 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 [^{F5}twenty-eight] days from the appointment of the arbiter deliver to him a statement of that party's case with all necessary particulars; and

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). (See end of Document for details)

- (a) no amendment or addition to the statement or particulars delivered shall be allowed after the expiration of the said [^{F5}twenty-eight] 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.

Textual Amendments

F5 Words substituted by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\), s. 20](#)

Modifications etc. (not altering text)

C5 [Sch. 6 paras. 5, 8](#) extended by [S.I. 1986/1613, reg. 15\(3\)](#)

C6 [Sch. 6 paras. 5, 8](#) modified by [S.I. 1987/882, art. 15\(4\)](#)

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.
- 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 [^{F6}three] 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.

Textual Amendments

F6 Word substituted by [Agricultural Holdings \(Amendment\) \(Scotland\) Act 1983 \(c. 46, SIF 2:3\), s. 5\(2\)\(a\)](#)

Modifications etc. (not altering text)

C7 [Sch. 6 paras. 5, 8](#) extended by [S.I. 1986/1613, reg. 15\(3\)](#)

C8 [Sch. 6 paras. 5, 8](#) modified by [S.I. 1987/882, art. 15\(4\)](#)

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). (See end of Document for details)

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

[^{F7}9A An arbiter appointed by the Secretary of State or the Land Court in an arbitration under section 7(1) of this Act shall, in making his award, state in writing his findings of fact and the reasons for his decision and shall make such statement available to the Secretary of State and the parties.]

Textual Amendments

F7 Sch. 6 para. 9A inserted by [Agricultural Holdings \(Amendment\) \(Scotland\) Act 1983 \(c. 46, SIF 2:3\)](#), s. 5(2)(b)

10 The award [^{F8}, and any statement made under paragraph 9A of this Schedule.] shall be in such form as may be specified by statutory instrument made by the Secretary of State.

Textual Amendments

F8 Words inserted by [Agricultural Holdings \(Amendment\) \(Scotland\) Act 1983 \(c. 46, SIF 2:3\)](#), s. 5(2)(c)

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.

Modifications etc. (not altering text)

C9 Sch. 6 para. 13 applied with modifications by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), s. 14, [Sch. 2 para. 11\(4\)](#)

14 [^{F9}Subject to section 75(1A) of this Act,] the award to be made by the arbiter shall be final and binding on the parties and the persons claiming under them respectively.

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). (See end of Document for details)

Textual Amendments

F9 Words inserted by [Agricultural Holdings \(Amendment\) \(Scotland\) Act 1983 \(c. 46, SIF 2:3\), s. 5\(2\)\(d\)](#)

- 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 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 ^[F10]Subject to paragraph 20A of this Schedule,] 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.

Textual Amendments

F10 Words inserted by [Agricultural Holdings \(Amendment\) \(Scotland\) Act 1983 \(c. 46, SIF 2:3\), s. 5\(2\)\(e\)](#)

- 20 ^[F11]Subject to paragraph 20A of this Schedule,] the opinion of the sheriff on any case stated under the last foregoing paragraph shall be final unless, within such time and

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)*. (See end of Document for details)

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.

Textual Amendments

F11 Words inserted by [Agricultural Holdings \(Amendment\) \(Scotland\) Act 1983 \(c. 46, SIF 2:3\)](#), s. 5(2)(e)

[^{F12}20A Where the arbiter in any arbitration under section 7(1) of this Act has been appointed by the Secretary of State or the Land Court paragraphs 19 and 20 of this Schedule shall not apply as regards the arbitration and instead the arbiter may at any stage of the proceedings state a case (whether at the request of either party or on his own initiative) on any question of law arising in the course of the arbitration for the opinion of the Land Court, whose decision shall be final.]

Textual Amendments

F12 Sch. 6 para. 20A inserted by [Agricultural Holdings \(Amendment\) \(Scotland\) Act 1983 \(c. 46, SIF 2:3\)](#), s. 5(2)(f)

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

Modifications etc. (not altering text)

C10 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:—

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). (See end of Document for details)

“(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;

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

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). (See end of Document for details)*

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

Modifications etc. (not altering text)

C11 The text of Sch. 8 (in part) is in the form in which it was originally enacted: it was not fully reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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.
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 (6) 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.

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). (See end of Document for details)

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.	<p>Part I, . . . F13</p> <p>In section eighty-four, the words “The Agricultural Holdings (Scotland) Acts 1923 and 1931, or”.</p> <p>The First and Second Schedules.</p> <p>In the Third Schedule, in paragraph 2, the words from “or a direction” to “permanent pasture” where those words first occur, and in paragraph 4, the words from the beginning to “this Act”.</p> <p>The Fourth and Ninth Schedules.</p>

Textual Amendments

F13 Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. VIII**

[^{F14}NINTH SCHEDULE]

Textual Amendments

F14 [Sch. 9](#) inserted by [Agricultural Holdings \(Amendment\) \(Scotland\) Act 1983 \(c. 46, SIF 2:3\)](#), s. 4(3), **Sch. 1**

PART I

GROUNDS FOR CONSENT TO OPERATION OF NOTICE
TO QUIT A TENANCY LET BEFORE 1 JANUARY 1984

Case 1

The tenant has neither sufficient training in agriculture nor sufficient experience in the farming of land to enable him to farm the holding with reasonable efficiency.

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). (See end of Document for details)*

Case 2

- (a) The holding or any agricultural unit of which it forms part is not a two-man unit;
- (b) the landlord intends to use the holding for the purpose of effecting an amalgamation within two years after the termination of the tenancy; and
- (c) the notice specifies the land with which the holding is to be amalgamated.

Case 3

The tenant is the occupier (either as owner or tenant) of agricultural land which—

- (a) is a two-man unit;
- (b) is distinct from the holding and from any agricultural unit of which the holding forms part; and
- (c) has been occupied by him since before the death of the person from whom he acquired right to the lease of the holding,

and the notice specifies the agricultural land.

PART II

GROUND FOR CONSENT TO OPERATION OF NOTICE TO QUIT A TENANCY LET ON OR AFTER 1 JANUARY 1984

Case 4

The tenant does not have sufficient financial resources to enable him to farm the holding with reasonable efficiency.

Case 5

The tenant has neither sufficient training in agriculture nor sufficient experience in the farming of land to enable him to farm the holding with reasonable efficiency: Provided that this Case shall not apply where the tenant has been engaged, throughout the period from the date of death of the person from whom he acquired right to the lease, in a course of relevant training in agriculture which he is expected to complete satisfactorily within four years from the said date and has made arrangements to secure that the holding will be farmed with reasonable efficiency until he completes that course.

Case 6

- (a) The holding or any agricultural unit of which it forms part is not a two-man unit;
- (b) the landlord intends to use the holding for the purpose of effecting an amalgamation within two years after the termination of the tenancy; and

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). (See end of Document for details)

- (c) the notice specifies the land with which the holding is to be amalgamated.

Case 7

The tenant is the occupier (either as owner or tenant) of agricultural land which—

- (a) is a two-man unit;
- (b) is distinct from the holding; and
- (c) has been occupied by him throughout the period from the date of giving of the notice, and the notice specifies the land.

PART III

SUPPLEMENTARY

- 1 For the purposes of section 26A of this Act and this Schedule—
- “amalgamation” means a transaction for securing that agricultural land which is comprised in a holding to which a notice to quit relates and which together with other agricultural land could form an agricultural unit, shall be owned and occupied in conjunction with that other land;
 - “near relative” in relation to a deceased tenant of an agricultural holding means a surviving spouse or child of that tenant, including a child adopted by him in pursuance of an adoption order (as defined in section 23(5) of the Succession (Scotland) Act 1964); and
 - “two-man unit” means an agricultural unit which in the opinion of the Land Court is capable of providing full-time employment for an individual occupying it and at least one other man.
- 2 For the purposes of determining whether land is a two-man unit, in assessing the capability of the unit of providing employment it shall be assumed that the unit is farmed under reasonably skilled management, that a system of husbandry suitable for the district is followed and that the greater part of the feeding stuffs required by any livestock kept on the unit is grown there.
- 3 For the purposes of Case 7 of this Schedule, occupation of agricultural land—
- (a) by a company which is controlled by the tenant shall be treated as occupation by the tenant; and
 - (b) by a Scottish partnership shall, notwithstanding section 4(2) of the Partnership Act 1890, be treated as occupation by each of its partners.

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).