



# Small Landholders (Scotland) Act 1911

## 1911 CHAPTER 49 1 and 2 Geo 5

### 10 Additional statutory conditions.

The following conditions are hereby prescribed as statutory conditions additional to or in modification of those prescribed in section one of the Act of 1886:—

- (1) The landholder shall, by himself or his family, with or without hired labour, cultivate his holding, without prejudice to the right (which is hereby conferred upon him) to make such use thereof for subsidiary or auxiliary occupations as in case of dispute the Land Court may find to be reasonable and not inconsistent with the cultivation of the holding; provided that the expression “cultivate” in this subsection shall include the use of a holding for horticulture or for any purpose of husbandry, inclusive of the keeping or breeding of live stock, poultry, or bees, and the growth of fruit, vegetables, and the like:
- (2) The expression “passing of this Act” in subsection four of section one of the Act of 1886 shall, in the application of that subsection to landholders other than existing crofters and the statutory successors of existing crofters, be construed as meaning the date at which the Landholders Acts first applied to the holding: Provided always that nothing in the said subsection shall be construed as debarring a landholder from subletting his dwelling-house to holiday visitors; and provided further that the provision as to dwelling-houses in the said subsection shall not apply to a new holder, but a new holder and his statutory successors shall not, without the consent in writing of the landlord and the Board, erect or suffer to be erected on the holding more than one dwelling-house:

[<sup>F1</sup>(2A) Where the holding of a new holder as mentioned in the further proviso to subsection (2) is situated in an area designated by order under section 3A(1)(b) of the Crofters (Scotland) Act 1993 (c.44) (new crofts), the reference to the Board in that subsection is to be construed as a reference to the Crofting Commission.]

- (3) Nothing in subsection (7) of section one of the Act of 1886 shall be construed as precluding a landholder from recovering any compensation for damage by game which under section nine of the <sup>M1</sup>Agricultural Holdings (Scotland) Act, 1908, is recoverable by a tenant, and the last-mentioned section shall apply accordingly with the substitution of the Land Court for arbitration.

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**Status:** Point in time view as at 22/12/2010.

**Changes to legislation:** There are currently no known outstanding effects for the Small Landholders (Scotland) Act 1911, Section 10. (See end of Document for details)

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#### Textual Amendments

- F1** S. 10(2A) inserted (22.12.2010) by Crofting Reform (Scotland) Act 2010 (asp 14), s. 57(2), **Sch. 4 para. 1(2)** (with s. 57(4)); S.S.I. 2010/437, art. 3, Sch. (with art. 4)
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#### Modifications etc. (not altering text)

- C1** S. 10 restricted by Crofters (Scotland) Act 1955 (3 & 4 Eliz. 2 c. 21), s. 38(3), **Sch. 6 Pt. I**
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#### Marginal Citations

- M1** 1908 c. 64.

**Status:**

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**Changes to legislation:**

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