



Land Drainage (Scotland) Act 1930

1930 CHAPTER 20 20 and 21 Geo 5

2 Making of underground main drains.

- (1) Where the owner or occupier of any agricultural land is of opinion that such land is being injured or is in danger of being injured through the refusal of the owner of any land to allow underground main drains to be formed through his land, it shall be lawful for the owner or occupier of such agricultural land to apply to the sheriff for a warrant authorising him to make such underground main drains through the land of such owner.
- (2) If the sheriff is satisfied that the land owned or occupied by the applicant is being or is in danger of being injured by such refusal as aforesaid, and that permission to make such underground main drains is being unreasonably withheld, he may after such inquiry by remit or report, or otherwise, as he may think necessary, grant a warrant authorising the making of such underground main drains, and the person so authorised shall have power to enter on the land where the operations are to be carried out, and to carry out the same. The sheriff, if he thinks fit, may, and on the application of the person through whose land such underground main drains are proposed to be made, shall direct that any operations to be carried out under such warrant shall be carried out under the supervision of a person of skill and experience in matters of drainage.
- (3) Such warrant shall provide (i) for the payment by the person so authorised of compensation for any loss or damage caused to any other person by reason of the making of the underground main drains authorised by such warrant, the amount of such compensation, failing agreement, to be determined by the sheriff after such inquiry as aforesaid; and (ii) for the proper maintenance or renewal of the said drains in the future at the expense of the owner for the time being of the said agricultural land.
- (4) In any application to the sheriff under this or the immediately preceding section he shall have power to award expenses to or against any party to the application.

Changes to legislation:

There are currently no known outstanding effects for the Land Drainage (Scotland) Act 1930, Section 2.