



# Land Settlement (Scotland) Act 1919

1919 CHAPTER 97 9 and 10 Geo 5

An Act to make further provision for the acquisition of land for the purposes of small holdings, reclamation, and drainage, and other purposes relating to agriculture in Scotland, to amend the Small Landholders (Scotland) Act, 1911, and the enactments relating to allotments, and otherwise to facilitate land settlement in Scotland. [23rd December 1919]

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**Modifications etc. (not altering text)**

- C1 Act applied by [Agricultural Land \(Utilisation\) Act 1931 \(c. 41\), s. 24\(f\)](#); applied with modifications by [Land Drainage \(Scotland\) Act 1958 \(c. 24\), s. 14](#); extended by [Countryside \(Scotland\) Act 1967 \(c. 86\), s. 60](#)
- C2 Functions of Board of Agriculture for Scotland now exercisable by Secretary of State: [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\), s. 1](#) and [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\), s. 1](#)
- C3 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C4 Act applied (with modifications) by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34, SIF 2:1\), s. 11\(8\)](#)
- C5 Act applied (with modifications) by S.I. 1989/380, regs. 9–12, [Sch. 5 para. 25](#)

## PART I

### PROVISIONS AS TO THE ACQUISITION OF LAND

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**Modifications etc. (not altering text)**

- C6 Pt. I applied by [Agriculture \(Scotland\) Act 1948 \(c. 45\), s. 64](#)

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Scotland) Act 1919. (See end of Document for details)

**1 Compulsory acquisition of land for purposes of the Small Holding Colonies Acts, 1916 and 1918.**

- (1) With the consent of . . . . .<sup>F1</sup> the Treasury, land may . . . . .<sup>F2</sup> be acquired compulsorily by the Board of Agriculture for Scotland (in this Act referred to as “the Board”) for the purposes of the Small Holding Colonies Acts, 1916 and 1918, and the powers of acquiring land by agreement under those Acts shall be exercisable . . . . .<sup>F2</sup>
- (2) The word “experimental” occurring in section one of the <sup>M1</sup>Small Holding Colonies Act, 1916, and so much of section eleven of that Act and section one of the <sup>M2</sup>Small Holding Colonies Act, 1918, as limits the total area of the land which may be acquired by the Board, or restricts the powers of the Board in acquiring land to taking land on lease, purchasing land in consideration of an annual payment and taking land in feu or requires that three-fourths of the land for the time being acquired shall consist of land suitable to be cultivated as arable land, shall cease to have effect.
- (3) The Board shall, in addition to the powers conferred on them by the said Acts, have in relation to all land acquired by them thereunder, whether before or after the passing of this act and wherever situated, and in relation to the tenants and small landholders occupying such land, the like powers which they possess in relation to land acquired under the <sup>M3</sup>Congested Districts (Scotland) Act, 1897, and in relation to the landholders, cottars and fishermen in that Act mentioned.

**Textual Amendments**

**F1** Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), **Sch.**

**F2** Words repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

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**Marginal Citations**

**M1** 1916 c. 38.

**M2** 1918 c. 26.

**M3** 1897 c. 53.

**2** . . . . .<sup>F3</sup>

**Textual Amendments**

**F3** S. 2 repealed by [Statute Law Revision Act 1950 \(14 Geo. 6 c. 6\)](#)

**3 Provisions as to compulsory acquisition of land, and entry on land to be acquired.**

- (1) For the purpose of the compulsory acquisition of land under the foregoing provisions of this Act, the provisions of the First Schedule to this Act shall have effect.
- (2) No order for the compulsory acquisition of land made under the provisions of this Act shall authorise the acquisition of any land which at the date of the order forms part of any park, or of any home farm attached to and usually occupied with a mansion house if the land is required for the amenity or convenience of the mansion house, or of any land which at that date forms part of any garden or pleasure ground, or which is

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woodland, not wholly surrounded by or adjacent to land acquired by the Board under this Act.

- (3) Where an Order for the compulsory acquisition of land has been duly made under the provisions of this Act, then at any time after a notice to treat has been served the Board may, after giving not less than fourteen days' notice to each owner, lessee, and occupier of the land or such part thereof as is specified in the notice, enter on and take possession of the land without previous consent or compliance with sections eighty-three to eighty-eight of the <sup>M4</sup>Lands Clauses Consolidation (Scotland) Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

#### Marginal Citations

**M4** 1845 c. 19.

## 4 Power to contract to pay feu duty, &c.

[<sup>F4</sup>Where, under the <sup>M5</sup>Small Holding Colonies Acts, 1916 and <sup>M6</sup>1918, the Board has power to purchase land in consideration of a feu duty, ground annual, or other annual payment, the Board shall have power and shall be deemed always to have had power to contract to pay the feu duty, ground annual, or other annual payment as and when it becomes due.]

#### Textual Amendments

**F4** S. 4 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\), ss. 71, 77\(2\), Sch. 13 Pts. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

#### Marginal Citations

**M5** 1916 c. 38.

**M6** 1918 c. 26.

## 5 Compensation to labourers.

- (1) In any case of acquisition of land by the Board under this Act, subsection (5) of section one of the Small Holding Colonies Act, 1916 (which relates to compensation to labourers), shall apply with the substitution of references to this Act for references to that Act.
- (2) Subsection (2) of section five of the <sup>M7</sup>Congested Districts (Scotland) Act, 1897 (which confers power upon limited owners to sell land for the purposes of that Act) shall apply to the purchase of land under the Small Holding Colonies Acts, 1916 and 1918, or under this Act, with the substitution of references to those Acts or to this Act, as the case may be, for references to that Act.

#### Marginal Citations

**M7** 1897 c. 53.

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## 6 Duty of Board with respect to Sale or lease of land.

- (1) Land acquired by the Board under the Small Holding Colonies Acts, 1916 and 1918, shall be sold or let by the Board at such price or rent as in the opinion of the Board is reasonable.
- (2) The Board may give to the tenant of a small holding an option to purchase the holding on such terms as may be agreed and may be consistent with the provisions of this section, and on any such sale any increase in the value of the land due to improvements executed by and at the expense of the tenant shall not be taken into account as affecting the price to be paid for the land.
- (3) A tenant of a holding provided by the Board on land acquired by the Board who has been in occupation thereof for a period of not less than six years shall, on notice of his desire to purchase the holding being given to the Board at any time before the tenant has received notice to quit, be entitled to require the sale to him of the holding at the expiration of one month from the date of the notice at the then value of the holding, exclusive of any increase of the value thereof due to any improvement executed thereon by and at the expense of the tenant, and thereupon the Board shall in the first instance sell the holding to the tenant accordingly, [F5unless it appears to the Secretary of State that there are good and sufficient reasons for refusing the requirements of the tenant.]
- (4) The value of the holding shall, in default of agreement, be determined by the Scottish Land Court.
- (5) Before selling any land which, in the opinion of the Board, is not required for the purposes of this Act, the Board shall, subject as hereinafter provided, offer the land to the person from whom it was purchased or his successor in title at a price to be determined, failing agreement, by the Scottish Land Court:  
 Provided that, if in the opinion of the Board the land is suitable for afforestation, the Board shall in the first instance consult the Forestry Commission and shall give the Forestry Commissioners an opportunity of acquiring such land.
- [F6(6) Subsections (3) and (4) above shall not apply to crofts as defined in section 3 of the Crofters Scotland Act 1955.]

### Textual Amendments

**F5** Words substituted by S.R. & O. 1939/782 (Rev. XV, p. 172: 1939 II, p. 2933)

**F6** S. 6(6) added by **Crofting Reform (Scotland) Act 1976** (c. 21, SIF 2:4), s. 22(1), **Sch. 2 para. 2**

### Modifications etc. (not altering text)

**C7** S. 6(3)(4) modified (S.) (6.6.1997) by 1997 c. 26, s. 6(1); S.I. 1997/1430, art. 1.

**C8** S. 6(3) modified (S.) (6.6.1997) by 1997 c. 26, s. 6(2); S.I. 1997/1430, art. 1.

**C9** S. 6(3) applied (S.) (6.6.1997) by 1997 c. 26, s. 6(3); S.I. 1997/1430, art. 1.

## 7 Powers of Board with respect to land acquired.

Without prejudice to any other power conferred on the Board by the <sup>M8</sup>Congested Districts (Scotland) Act, 1897, or the <sup>M9</sup>Small Holding Colonies Acts, 1916 and <sup>M10</sup>1918, the Board shall have power in any case where in their opinion it is necessary or expedient so to do for the better carrying into effect the purposes of those Acts or of this Act—

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- (a) to erect, repair, or improve dwelling-houses and other buildings on any land acquired by the Board, or to execute any other improvement on or in connection with and for the benefit of any such land, or to arrange with the tenant or holder of any such land for the execution of any such improvement on such terms as may be agreed:
- (b) to sell, excamb, or let any such land or any right or interest therein: and
- (c) generally to manage any such land.

#### Marginal Citations

**M8** 1897 c. 53.

**M9** 1916 c. 38.

**M10** 1918 c. 26.

## 8 Power of entry to inspect land.

The Board, with a view to ascertaining whether any land is suitable for any purpose for which the Board have power to acquire land, may, by writing in that behalf, authorise any person (upon production if so required of his authority) to enter and inspect the land specified in the authority, and not less than four days' clear notice of any intention so to enter and inspect shall be given by the Board to the landlord or to his agent and to the occupiers of the land, and anyone who obstructs or impedes any person acting under and in accordance with any such authority, after such notice has been given, shall be liable on summary conviction to a penalty not exceeding [<sup>F7</sup>level 2 on the standard scale.]

#### Textual Amendments

**F7** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289C, s. 289G

## PART II

### AMENDMENT OF THE SMALL LANDHOLDERS (SCOTLAND) ACT, 1911

## 9 Amendment of section 7 of Act of 1911.

For subsections (8), (9), (10) and (11) of section seven of the <sup>M11</sup> Small Landholders (Scotland) Act, 1911 (in this Act referred to as the Act of 1911), there shall be substituted the following subsections:—

- “(8) (a) Where the Board are satisfied that there is a demand for small holdings and that suitable land is available for that purpose, it shall be the duty of the Board to prepare a scheme for the constitution of one or more new holdings on such land, to be occupied by new holders upon such terms and conditions not inconsistent with the Landholders Acts as the Board think reasonable.
- (b) Every scheme shall show —

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- (i) the situation and the total area of the land on which one or more new holdings are to be constituted;
  - (ii) the number and respective situations and areas of the new holdings;
  - (iii) which, if any, of the existing buildings on the land are to be utilised for the new holdings;
  - (iv) the water supply for each new holding, including the source from which the supply is to be taken, and any necessary pipes or other works;
  - (v) the situation and area of any common pasture or grazing to be occupied in connection with the new holdings; and
  - (vi) the rent of each new holding.
- (c) Where the Board are satisfied that there is not available on the land on which the new holdings are to be constituted a supply of water sufficient for the holdings, they may include in the scheme provision for taking and conveying from or through any part of the estate whereof such land forms part such supply of water as may be necessary for the new holdings and which can be taken without detriment to the requirements of the remainder of the estate; and, for the purposes of this section, any land from or through which supply of water is to be taken or conveyed shall be deemed to be comprised in the scheme.
- (9) Where the Board intend to prepare such a scheme, they shall give notice of their intention to the landlord of any land which is to be comprised therein, and when a landlord has received such notice it shall not be lawful for him, save with the consent of the Board, to let or to enter into any agreement for letting such land or any part thereof until the Board have made an order confirming the scheme, or have abandoned the same:  
 Provided that—
- (a) such disability shall not in any case continue for a longer period than six months from the date of the notice, and
  - (b) for an loss sustained by a landlord, tenant, or occupier from the operation of this subsection, the Board shall pay to him such compensation as may be agreed or as may be determined, failing agreement, by the Land Court on the application of either party.
- (10) When the Board have prepared a scheme under this section, they shall intimate the prepared scheme to the landlord, tenant and occupier of any land comprised therein, and shall give to such landlord, tenant and occupier, an opportunity of considering the scheme and of making representations concerning the same to the Board, and after giving to all persons interested an opportunity of being heard may, with the consent of the Secretary of Scotland, make an order confirming the scheme, in whole or in part, and with or without modification, or may abandon the scheme.
- (11) (a) Where the Board make any such order, they shall notify the same to the landlord, tenant and occupier of any land comprised therein, and shall pay to such landlord, tenant and occupier such compensation for any damage or injury done to him in consequence of and directly attributable to the constitution of new holdings under the scheme (including any damage or injury done to a landlord in respect of an obligation to take over sheep stock at a valuation) as may be agreed or

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as may be determined, failing agreement, by the Land Court, upon the application of either party, and after giving to all persons interested an opportunity of being heard, and, if they so desire, of leading evidence in the matter.

- (b) The compensation payable under this subsection shall not include—
  - (i) any allowance on account of the constitution of new holdings being compulsory :
  - (ii) any compensation for injury done to or depreciation in the selling value of the land comprised in the scheme, or of any estate whereof such land forms part, except in so far as the same arises from injury done to or depreciation in the letting value of the land or estate; or
  - (iii) any compensation for injury done to the value of the sporting rights over such land or estate in so far as it exceeds the estimated value of such rights if the land or estate were put to the full reasonable use for which it could be let under ordinary lease to ordinary agricultural or pastoral tenants:
- (c) For the purpose of this subsection, any benefit or relief enhancing the letting value of the land comprised in the scheme or of any estate of which such land forms part resulting to a landlord or to any other person in consequence of and directly attributable to the constitution of new holdings under the scheme upon the one hand shall be set against any damage or injury done to him as aforesaid upon the other hand.
- (d) In determining the amount of compensation payable to the tenant of any farm, regard shall be had to the duration of his lease, and in no case shall any allowance for loss of tenant's profits be made in respect of a period exceeding three years.
- (e)
  - (i) Where any compensation has been awarded and the amount thereof determined by the Land Court under this subsection, the Board may, at any time within two months of determination, resolve to abandon the scheme and withdraw the order, paying to any person any expenses reasonably incurred by him in connection with the making of the order or the claim for compensation, as such expenses may, failing agreement, be determined by the Land Court on the application of either party.
  - (ii) Subject to the foregoing provision, every order made by the Board for the constitution of new holdings shall be recorded in the Landholders' Holdings Book as if it were an order from the Land Court, and shall thereupon have effect and be enforceable in like manner as an order of the Land Court so recorded.
- (f) In any case where the Board have entered into an agreement with a landlord or a tenant or any other person for or in connection with the constitution of one or more new holdings upon land in which such landlord, tenant or other person is interested, the Board may pay to any person so interested, whether a party to the agreement or not, such compensation (or other consideration in money), if any, as the Board consider equitable and consistent with the provisions of this subsection in respect of any damage or injury done to him in consequence of and directly attributable to the constitution of the new holdings, and it may be a term of any such agreement entered into by the Board with a

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landlord that section seventeen of this Act shall apply in respect of any such new holding as if the holding had been constituted otherwise than by agreement, and in that case the said section shall apply accordingly.

- (g) Where any landlord interested represents to the Secretary for Scotland that a prepared scheme ought not to be confirmed, the Secretary may, before giving his consent to the scheme, refer the same to the Land Court for inquiry and report.”

**Modifications etc. (not altering text)**

- C10** The text of Ss. 9, 11, 12, 14 and 17 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.

**Marginal Citations**

- M11** [1911 c.49.](#)

**10 Erection of fences.**

Where the Board make any order for the constitution of new holdings, they shall, if so requested by the landlord, be bound to erect and maintain, or cause to be erected and maintained, such march fence, or fences [<sup>F8</sup>as the usual and reasonable practice of agriculture and estate management may require in the conditions,] any dispute as to the necessity for or the adequacy of such fence or fences to be settled failing agreement by the Land Court.

**Textual Amendments**

- F8** Words substituted by [Small Landholders and Agricultural Holdings \(Scotland\) Act 1931 \(c. 44\), s. 19](#)

**11 Amendment of section 16 of Act of 1911.**

For the proviso to subsection (1) of section sixteen of the Act of 1911 (which relates to amendment of law as to enlargement of holdings) there shall be substituted the following proviso—

“Provided that all applications for enlargement under section eleven of the Act of 1886 shall be made to the Board, 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 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”.



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**Modifications etc. (not altering text)**

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**12 Amendment of section 17 of Act of 1911.**

Section seventeen of the Act of 1911 (which relates to amendment of law as to vacant holdings) shall be amended by the addition thereto of the following proviso:—  
"Provided further that, where a landlord lets a holding otherwise than in compliance with the provisions of this section, the Board shall be entitled to declare the let null and void and without payment of any compensation to treat the holding as if it had been duly constituted a new holding under this Act, or assign the same for the enlargement of a neighbouring holding or holdings."

**Modifications etc. (not altering text)**

- C12** The text of Ss. 9, 11, 12, 14 and 17 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.

**13** ..... <sup>F9</sup>

**Textual Amendments**

- F9** [S. 13](#) repealed with saving by [Succession \(Scotland\) Act 1964 \(c. 41\), s. 34\(2\)](#), [Sch. 3](#)

**14 Powers of Land Court as to common pastures or grazings.**

For subsection (5) of section twenty-four of the Act of 1911 shall be substituted the following subsection:—

- “(5) (a) The Land Court may, on the application of the landlord, or landlords, or any landholder, and on such conditions as they consider equitable, apportion a common pasture or grazing into separate parts for the exclusive use of the several townships or persons interested, either as arable ground or as pasture, or as sites for houses or other buildings, if satisfied that such apportionment is for the good of the estate or estates, and of the holdings or tenancies concerned.
- (b) The Land Court may, on the like application, or on the application of the Board, and on the like conditions, admit new holders to participate in a common pasture or grazing occupied by existing landholders, statutory small tenants, or others, or apportion a common pasture or grazing for the exclusive use of new holders, either in common or individually, and either as arable ground or pasture, or as sites for houses or other buildings, if satisfied that such apportionment is for the good of the estate or estates and of the holdings or tenancies concerned.

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- (c) The Land Court may, on the application of the Board, and on the like conditions, grant pasture or grazing rights on a common pasture or grazing to cottars who have been in use to pasture or graze stock thereupon.”

**Modifications etc. (not altering text)**

- C13** The text of Ss. 9, 11, 12, 14 and 17 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.

**15 As to land within burgh in crofting counties.**

Notwithstanding anything contained in paragraph (c) of subsection (3) of section twenty-six of the Act of 1911, or in the reference to that paragraph in subsection (4) of the said section, a person shall be admissible to registration as a new holder under the Act of 1911 in respect of land within the parliamentary <sup>F10</sup>... boundary of any burgh <sup>F10</sup>... situate in the counties of Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, and Orkney and Shetland.

**Textual Amendments**

- F10** Words in s. 15 omitted (S.) (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), art. 1, **Sch. 1 para. 3**

**16 Power to make advances to land banks, &c.**

In addition to the purposes mentioned in section six of the Act of 1911, the Board may, on such terms and conditions as they think proper, with the approval of . . . . . <sup>F11</sup> the Treasury, apply the Agriculture (Scotland) Fund constituted under section five of that Act in making or guaranteeing advances, either directly or indirectly, to land banks or co-operative or credit societies having for their object or one of their objects the assistance of tenants under Part I of this Act, landholders, or statutory small tenants, in the stocking, equipment, and profitable working of their holdings.

**Textual Amendments**

- F11** Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), **Sch.**

**Modifications etc. (not altering text)**

- C14** S. 16 extended by [Small Landholders and Agricultural Holdings \(Scotland\) Act 1931 \(c. 44\)](#), **s. 20**

**17 Consequential and minor amendments of Act of 1911.**

The amendments specified in the second column of the Second Schedule to this Act (which relate to consequential and minor matters) shall be made in the provisions of the Act of 1911 mentioned in the first column of that schedule.

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**Modifications etc. (not altering text)**

- C15** The text of Ss. 9, 11, 12, 14 and 17 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.

**PART III**

ALLOTMENTS

**Modifications etc. (not altering text)**

- C16** Pt. III restricted by [Allotments \(Scotland\) Act 1950 \(c. 38\)](#), s. 9
- C17** Certain provisions under Pt. III as to compensation excluded by [Opencast Coal Act 1958 \(c. 69\)](#), s. 41, Sch. 8 paras. 3(1), **10(b)**
- C18** Functions of certain parish councils under Pt. III transferred to district councils by [Local Government \(Scotland\) Act 1929 \(c. 25\)](#), s. **1(2)(c)**

**18 Powers relating to allotments.**

- (1) . . . . . <sup>F12</sup>
- (2) The powers and duties conferred and imposed on [<sup>F13</sup>local authorities] by this Part of this Act shall be exercised and performed as if they had been conferred and imposed by the Act of 1892<sup>F14</sup>, and all expenses incurred by a [<sup>F13</sup>local authority] under that Act shall be defrayed out of the public health general assessment or out of moneys borrowed on the security of that assessment, under and subject to the provisions of the <sup>M12</sup>Public Health (Scotland) Act, 1897, relating to that assessment and to money so borrowed].
- (3) The Board may, . . . . . <sup>F15</sup> apply moneys out of the Agriculture (Scotland) Fund to an amount not exceeding four thousand pounds in any one year for the purpose of encouraging and developing the provision of allotments throughout Scotland in such manner as they think fit.

**Textual Amendments**

- F12** S. 18(1) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 237(1), **Sch. 29**
- F13** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 214(2), **Sch. 27 Pt. II para. 54**
- F14** Words in s. 18(2) repealed (S.) (1.10.2009) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), **Sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/319, art. 2(a), Sch. 1
- F15** Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), **Sch.**

**Modifications etc. (not altering text)**

- C19** S. 18(3) amended by [Agricultural Land \(Utilisation\) Act 1931 \(c. 41\)](#), s. **24(j)**

**Marginal Citations**

- M12** 1897 c. 38.

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19 ..... F16

#### Textual Amendments

F16 S. 19 repealed by Allotments (Scotland) Act 1922 (c. 52), Sch. 1

[<sup>F17</sup>20

- (1) If a local authority are unable by agreement to acquire by purchase suitable land for allotments at a reasonable price, the authority may apply to the Board for an order providing for the compulsory acquisition of such land by purchase.
- (2) If a local authority are unable by agreement to obtain on lease suitable land for allotments at a reasonable rent and subject to reasonable conditions, the authority may apply to the Board for an order providing for the compulsory acquisition of such land by leasing: Provided that, in the case of land which has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, such leasing shall be subject to a condition enabling the corporation or company to resume possession of the land when required by the corporation or company for the purpose (not being the use of land for agriculture) for which it was so acquired.
- (3) For the purposes of any application under this section, the provisions of the First Schedule to this Act shall have effect.]

#### Textual Amendments

F17 S. 20 substituted by Allotments (Scotland) Act 1922 (c. 52), s. 8 (3)

## 21 Temporary use for allotments of land acquired for other purposes.

Where any land belonging to a local authority is not immediately required for the purpose for which it was acquired, and is in the opinion of the authority suitable for temporary use in the form of allotments, the authority may, with the consent of the Secretary for Scotland, make the land available for such use, subject to any necessary conditions and restrictions as to tenure and otherwise.

#### Modifications etc. (not altering text)

C20 S. 21 amended by Town and Country Planning (Scotland) Act 1959 (c. 70), s. 26

C21 Functions of Secretary for Scotland now exercisable by Secretary of State: Secretaries of State Act 1926 (c. 18), s. 1

## 22 Provisions as to allotments.

- (1) A local authority may purchase any fruit-trees, seeds, plants, fertilisers, or implements required for the purposes of allotments cultivated as gardens, whether provided by the authority or otherwise, and sell any article so purchased to the cultivators, or, in the case of implements, allow their use, at a price or charge sufficient to cover the cost of purchase:

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*Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Scotland) Act 1919. (See end of Document for details)*

Provided that the powers conferred by this subsection shall be exercisable only where, in the opinion of the authority, the facilities for the purchase or hire of the articles aforesaid from a society on a co-operative basis are inadequate.

(2) Any person who by any act done without lawful authority or by negligence causes damage to any crops growing on an allotment cultivated as a garden shall be liable on summary conviction to a penalty not exceeding [<sup>F18</sup>level 1 on the standard scale].

<sup>F19</sup>(3) . . . . .

**Textual Amendments**

**F18** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

**F19** [S. 22\(3\)](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt.III**

**23 Consequential and minor amendments of Act of 1892.**

The amendments specified in the second column of the Third Schedule to this Act (which relate to consequential and minor matters ) shall be made in the provisions of the Act of 1892 mentioned in the first column of that schedule.

**Modifications etc. (not altering text)**

**C22** The text of S. 23 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.

**24 Interpretation.**

In this Part of this Act . . . <sup>F20</sup>the expression “local authority” has the same meaning as in the Act of 1892.

**Textual Amendments**

**F20** Definition of “parish council” repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 237(1), **Sch. 29**

**25** . . . . . <sup>F21</sup>

**Textual Amendments**

**F21** [Ss. 25, 26\(2\)\(6\)](#) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

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Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Scotland) Act 1919. (See end of Document for details)

PART IV

FINANCIAL

26 Loans to Board.

- (1) The Board may borrow money as in this section provided for the acquisition and adaptation of land for the purposes of Part I of this Act, and for the adaptation of land for landholders under the Act of 1911.
- (2) ..... F22
- (3) At the end of the financial year ending on the thirty-first day of March in the year nineteen hundred and twenty, and of each subsequent year, the Board shall submit to the Treasury, in such form as the Treasury may prescribe, a statement of the loss (if any) which has been reasonably or necessarily incurred by the Board during the financial year so far as such loss relates to expenditure out of loans under this section, and the amount of such loss, to the extent approved by the Treasury, shall be paid out of moneys provided by Parliament.
- (4) If the Treasury so prescribe, and subject to any regulation which may be made by the Treasury, any moneys lent to the Board under this section may be paid into and administered as part of the Agriculture (Scotland) Fund constituted under section five of the Act of 1911.
- (5) References in this section to Part I of this Act include references to the <sup>M13</sup>Congested Districts (Scotland) Act, 1897, and the <sup>M14</sup>Small Holding Colonies Acts, 1916 and <sup>M15</sup>1918, and the expression “adaptation of land” includes the taking over of sheep stock at a valuation and all operations carried out on the land by the Board under their statutory powers.
- (6) ..... F22

**Textual Amendments**  
 F22 Ss. 25, 26(2)(6) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

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**Modifications etc. (not altering text)**  
 C23 Agriculture (Scotland) Fund wound up by [Agriculture \(Scotland\) Act 1948 \(c. 45\), s. 67](#)

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**Marginal Citations**  
 M13 1897 c. 53.  
 M14 1916 c. 38.  
 M15 1918 c. 26.

27 ..... F23

**Textual Amendments**  
 F23 S. 27 repealed by [Statute Law Revision Act 1950 \(14 Geo. 6 c. 6\)](#)

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Scotland) Act 1919. (See end of Document for details)*

## PART V

### GENERAL

**28** ..... **F24**  
**30.**

#### Textual Amendments

**F24** Ss. 28—30, 32 repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

### **31 Construction.**

- (1) This Act, so far as it amends the Act of 1911, shall be construed as one with that Act, and references in this Act to that Act or to any provision of that Act shall be construed as references to that Act or provision as amended by this Act.
- (2) References in this Act to the Act of 1892 shall be construed as references to that Act as amended by this Act.
- (3) References in this Act to the <sup>M16</sup>Small Holding Colonies Acts, 1916 and <sup>M17</sup>1918, shall be construed as references to those Acts as amended by this Act.

#### Modifications etc. (not altering text)

**C24** “the Act of 1911” means [Small Landholders \(Scotland\) Act 1911 \(c. 49\)](#)

**C25** “the Act of 1892” means [Allotments \(Scotland\) Act 1892 \(c. 54\)](#)

#### Marginal Citations

**M16** 1916 c. 38.

**M17** 1918 c. 26.

**32** ..... **F25**

#### Textual Amendments

**F25** Ss. 28—30, 32 repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

### **33 Citation.**

This Act may be cited as the Land Settlement (Scotland) Act, 1919, and the Small Landholders (Scotland) Acts, 1886 to 1911, and so much of this Act as amends the Act of 1911 may be cited together as the Small Landholders (Scotland) Acts, 1886 to 1919.

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*Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Scotland) Act 1919. (See end of Document for details)*

## FIRST SCHEDULE

Sections 3 and 20.

### PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND

#### Modifications etc. (not altering text)

**C26** Functions of Secretary for Scotland now exercisable by Secretary of State: [Secretaries of State Act 1926 \(c. 18\)](#) s. 1

- (1) Where under this Act the Board propose to acquire land compulsorily to provide for the compulsory acquisition of land by a local authority, the Board may prepare an Order putting in force as respects the land specified in the Order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement
- (2) The Order shall be in the prescribed form, and shall contain such provisions as may be prescribed for the purpose of carrying the Order into effect, and shall incorporate, with any necessary adaptations, the Lands Clauses Acts (except the provisions thereof relating to the sale of superfluous lands), and sections seventy to seventy-eight of the <sup>M18</sup>Railways Clauses Consolidation (Scotland) Act, 1845, and those Acts shall apply accordingly.

#### Marginal Citations

**M18** 1845 c. 33.

- (3) The Order shall be published by the Board in the prescribed manner, and such notice as may be prescribed shall be given both in the locality in which the land specified in the Order is situate, and to the owners or reputed owners, lessees or reputed lessees, and occupiers of that land.
- (4) Any person having a right or interest in the land specified in the Order may, within the prescribed period, present in writing to the Board an objection to the making of the Order.
- (5) If within that period no such objection has been so presented, or every such objection so presented has been withdrawn, the Board may . . . . . <sup>F26</sup> forthwith make the Order; but, if any such objection has been duly presented and has not been withdrawn, the Board shall take the same into consideration, and, after such inquiry (if any) as they think fit, may either withdraw the Order, without prejudice to the preparation and making of a new Order, or may make the Order with or without modification. . . . . <sup>F26</sup>

#### Textual Amendments

**F26** Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), [Sch.](#)

- (6) In the case of an Order providing for the compulsory acquisition by leasing of land for allotments—
  - (a) The provisions of the <sup>M19</sup>Acquisition of Land (Assessment of Compensation) Act 1919, so far as applicable to compulsory leasing, shall apply with the necessary modifications; and



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- [<sup>F27</sup>(b) The official arbiter shall have power to determine any question—
- (i) as to the terms and conditions of the proposed lease; or
  - (ii) as to the amount of compensation for severance; or
  - (iii) as to the compensation payable to any tenant in respect of the land taken forming part of any existing tenancy; or
  - (iv) as to the apportionment of the rent between the land acquired by the local authority and the land retained by the tenant; or
  - (v) as to any other matter incidental to the taking on lease of the land by the authority, or the surrender thereof at the end of their tenancy: but the arbiter, in fixing the rent, shall not make any allowance in respect of the lease being compulsory;]

[<sup>F27</sup>(c) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land taken on lease by the local authority shall, as far as possible, be provided for by taking such compensation into account in fixing, as the case may require, the rent to be paid by the authority for the land taken on lease by them, and the apportioned rent, if any, to be paid by the tenant for that portion of the holding which is not taken on lease by the authority. Provided always that during the unexpired period of the tenant's lease the sum in cumulo of the apportioned portions of rent shall not be less than the rent formerly paid by the tenant;]

[<sup>F27</sup>(d) The award of the arbiter or a copy thereof, together with a report signed by him as to the condition of the land taken on lease by the local authority, shall be deposited and preserved with the public books and papers of the authority, and any person interested shall, at all reasonable times, be at liberty to inspect the same, and to take copies thereof;]

[<sup>F27</sup>(e) The Order may incorporate or apply, with any adaptations which may be prescribed by the Board, such of the provisions of the Lands Clauses Acts (including those relating to the acquisition of land otherwise than by agreement) and of sections seventy to seventy-eight of the <sup>M20</sup>Railways Clauses Consolidation (Scotland) Act, 1845, as appear to the Board sufficient for carrying into effect the Order, and for the protection of the persons interested in the land, and of the local authority, and those Acts shall apply accordingly; but it shall not be necessary for the Order to incorporate or apply any other provisions of those Acts.]

**Textual Amendments**

**F27** (6)(b)—(e) substituted for (6)(b) by [Allotments \(Scotland\) Act 1922 \(c. 52\)](#), [Sch. 2](#)

**Marginal Citations**

**M19** 1919 c. 57.

**M20** 1845 c. 33.

- (7) Any Order made under this schedule . . . . .<sup>F28</sup> shall have effect as if enacted by Parliament.

**Textual Amendments**

**F28** Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), [Sch.](#)

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- (8) (a) In construing, for the purposes of this schedule, or any Order made thereunder, any enactment incorporated with the Order, this Act together with the Order shall be deemed to be the Special Act, and the Board or the local authority, as the case may be, shall be deemed to be the promoters of the undertaking.
- (b) In this schedule, the expression “land” includes water and any right or servitude to or over land or water, and “prescribed” means prescribed by the Secretary for Scotland.

## SECOND SCHEDULE

Section 17.

### MINOR AND CONSEQUENTIAL AMENDMENTS OF THE ACT OF 1911.

**Modifications etc. (not altering text)**

**C27** The text of Sch. 2 and 3 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.

<b>Enactment to be amended.</b>	<b>Amendment.</b>
Small Landholders (Scotland) Act, 1911 (1 & 2 Geo. 5. c. 49). Section 7	At the end of subsection (6) the following words shall be inserted:— “ nor shall the rent payable in respect of a new holding constituted by a scheme made under this section be so altered for a like period ”.  In subsection (12) for the words “Land Court” there shall be substituted the word “Board”.
Section 24	At the end of subsection (18) the following words shall be inserted:— “ and any other land which has been or may be acquired by the Board ”
Section 35	In subsection (3) after the words “or the Land Court” there shall be inserted the words “or the Board” and after the words “from the Land Court”, there shall be inserted the words “or from the Board”.
	For the words “Land Court” there shall be inserted the word “Board.”

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Scotland) Act 1919. (See end of Document for details)*

## THIRD SCHEDULE

Section 23.

### MINOR AND CONSEQUENTIAL AMENDMENTS OF THE ACT OF 1892.

#### Modifications etc. (not altering text)

**C28** The text of Sch. 2 and 3 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.

<b>Enactment to be amended.</b>	<b>Amendment.</b>
The Allotments (Scotland) Act, 1892 (55 & 56 Vict. c. 54.)	
Section 2	For the word “county,” wherever occurring, there shall be substituted the word “parish”.
Section 3	In paragraphs (a) and (b) of subsection (5), and in subsection (7), for the words “local authority,” wherever occurring, there shall be substituted the words “Board of Agriculture for Scotland,” and for the words “a provisional order,” wherever occurring, there shall be substituted the words “an order”.
Section 12	For the words “any parish in their county” there shall be substituted the word “parish”.
Section 14	For the word “county,” wherever occurring, there shall be substituted the word “parish”.
Section 16	In the definition of “local authority,” for the words “in a county the county council” there shall be substituted the words “elsewhere than a burgh the parish council”.

## F29 F29 FOURTH SCHEDULE

#### Textual Amendments

**F29** Sch. 4 repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

F29

**Status:**

Point in time view as at 01/04/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Settlement (Scotland) Act 1919.