

Status: Point in time view as at 23/12/2016.

Changes to legislation: Agriculture (Scotland) Act 1948, THIRD SCHEDULE is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

THIRD SCHEDULE

PROVISIONS WHERE PERMANENT PASTURE DIRECTED TO BE PLOUGHED UP OR OTHER CULTIVATIONS TO BE CARRIED OUT

- 1 Where the Secretary of State gives to a person a direction under section . . . ^{F1} thirty-five of this Act requiring the ploughing-up of any land consisting of permanent pasture, compliance with the direction shall, notwithstanding the provisions of any lease or instrument affecting the land or any custom, not render the said person liable thereby to sow it again at his own expense, or to pay any sum by way of increased rent, damages or penalty, or to suffer any forfeiture by reason of the ploughing-up or of the failure to sow it again; and for the purposes of any provision of any such lease or instrument as aforesaid, any custom or any provision of Part I of this Act the land shall thereafter be deemed to be arable land and to have been arable land at all material times.

Textual Amendments

F1 Words repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#)

- 2 Where in the case of an occupier who is a tenant the Secretary of State gives such a direction as aforesaid, . . . ^{F2}, he may, after affording to the landlord and to the tenant an opportunity of making representations to the Secretary of State, whether in writing or on being heard by a person appointed by the Secretary of State, order that the lease shall have effect as if it provided that on quitting the holding on the termination of the tenancy the tenant should leave—
- (a) as permanent pasture, or
 - (b) as temporary pasture sown with a seeds mixture of such kind as may be specified in the order,
- such area of land (in addition to the land required by the lease, as modified by the direction, to be maintained as permanent pasture) as may be so specified, so however that the area required to be left as aforesaid shall not exceed the area by which the land required by the lease to be maintained as permanent pasture has been reduced by virtue of the direction.

Textual Amendments

F2 Words repealed with savings by [Agricultural Holdings \(Scotland\) Act 1949 \(c. 75\)](#), ss. 97-99, [Sch. 8](#)

- 3 (1) Notwithstanding anything in the provisions of Part I of this Act or any custom or agreement—
- (a) no compensation shall be payable to the tenant in respect of anything done in pursuance of an order under the last foregoing paragraph;
 - (b) in assessing compensation to an outgoing tenant of a holding (as defined in the Act of 1923) where land has been ploughed up in pursuance of any such direction as aforesaid, the value per acre of any tenant's pasture comprised in the holding shall be taken not to exceed the average value [^{F3}per hectare] of the whole of the tenant's pasture comprised in the holding on the termination of the tenancy.
- (2) In this paragraph the expression “tenant's pasture” means pasture laid down at the expense of the tenant or paid for by the tenant on entering the holding.

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Textual Amendments

F3 Words substituted by [S.I. 1977/2007, reg. 2, Sch. 1](#)

- 4 . . . ^{F4} paragraph 1 of this Schedule shall have effect as if references to the ploughing-up of permanent pasture included references to the carrying out, on land which apart from the direction the occupier is under an obligation to cultivate in a particular way, of any other act of cultivation specified in the direction, and references to the sowing of land again and to arable land shall be construed accordingly.

Textual Amendments

F4 Words repealed with savings by [Agricultural Holdings \(Scotland\) Act 1949 \(c. 75\), ss. 97-99, Sch. 8](#)

- 5 Where the ploughing-up of permanent pasture or the carrying out of any other act of cultivation is reasonably necessary in consequence of the giving of a direction, this Schedule shall apply as if the ploughing-up or other act of cultivation were required by the direction and specified therein; and . . . ^{F5} subsection (5) of section thirty-five of this Act shall be construed accordingly.

Textual Amendments

F5 Words repealed by [Agriculture Act 1958 \(c. 71\), Sch. 2 Pt. I](#)

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