



Agriculture (Scotland) Act 1948

1948 CHAPTER 45 11 and 12 Geo 6

PART VII GENERAL

Supplementary

86 Interpretation.

- (1) In this Act the expression “agricultural land” means land used for agriculture which is so used for the purposes of a trade or business, or which is designated by the Secretary of State for the purposes of this subsection, and includes any land so designated as land which in the opinion of the Secretary of State ought to be brought into use for agriculture:

Provided that no designation under this subsection shall extend—

- (a) to land used as pleasure grounds, private gardens or [^{F1}allotments] , or
 - (b) to land kept or preserved mainly or exclusively for the purposes of sport or recreation, except where the Secretary of State is satisfied that its use for agriculture would not be inconsistent with its use for the said purposes and it is so stated in the designation.
- (2) In this Act the expression “agricultural unit” means land which is occupied as a unit for agricultural purposes, including—
- (a) any dwelling-house or other building occupied by the same person for the purpose of farming the land, and
 - (b) any other land falling within the definition in this Act of the expression “agricultural land” which is in the occupation of the same person, being land as to which the Secretary of State is satisfied that having regard to the character and situation thereof and other relevant circumstances it ought in the interests of full and efficient production to be farmed in conjunction with the agricultural unit, and directs accordingly:

Provided that the Secretary of State shall not give a direction under this subsection as respects any land if it is for the time being in use for any purpose which appears to him to be substantial having regard to the use to which it might be put for agriculture.

Changes to legislation: Agriculture (Scotland) Act 1948, Section 86 is up to date with all changes known to be in force on or before 20 June 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) View outstanding changes

(3) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Act of 1923” means the ^{M1}Agricultural Holdings (Scotland) Act, 1923;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

[^{F2}“allotment” has the meaning given by section 107 of the Community Empowerment (Scotland) Act 2015;]

“fixed equipment” includes any building or structure affixed to land and any works on, in, over or under land, and also includes anything grown on land for a purpose other than use after severance from the land, consumption of the thing grown or of produce thereof, or amenity, and, without prejudice to the foregoing generality, includes the following things, that is to say—

- (a) all permanent buildings, including farm houses and farm cottages, necessary for the proper conduct of the holding;
- (b) all permanent fences, including hedges, stone dykes, gate posts and gates;
- (c) all ditches, open drains and tile drains, conduits and culverts, ponds, sluices, flood banks and main water courses;
- (d) stells, fanks, folds, dippers, pens and bughts necessary for the proper conduct of the holding;
- (e) farm access or service roads, bridges and fords;
- (f) water and sewerage systems;
- (g) electrical installations including generating plant, fixed motors, wiring systems, switches and plug sockets;
- (h) shelter belts;

and references to fixed equipment on land shall be construed accordingly.

“functions” includes powers and duties;

“livestock” includes any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land;

“pasture” includes meadow;

“prescribed” has the meaning assigned to it by the last foregoing section;

“produce” includes anything (whether live or dead) produced in the course of agriculture;

“relevant circumstances,” in relation to an owner or an occupier, includes all circumstances affecting management or farming, other than the personal circumstances of the owner or the occupier.

(4) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any other enactment, including this Act.

(5) References in this Act to the farming of land include references to the carrying on in relation to the land of any agricultural activity; and in relation to any agricultural activity the person having the right to carry it on shall be deemed to be the occupier of the land.

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- (6) References in this Act to the use of land for agriculture include, in relation to land forming part of an agricultural unit, references to any use of the land in connection with the farming of the unit.

Textual Amendments

- F1** Word in s. 86(1) substituted (1.4.2018) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), **sch. 4 para. 3(2)**; S.S.I. 2017/458, art. 2, sch.
- F2** Words in s. 86(3) substituted (1.4.2018) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), **sch. 4 para. 3(3)**; S.S.I. 2017/458, art. 2, sch.

Marginal Citations

- M1** 1923, c. 10.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 50(2A) inserted by [2024 asp 4 s. 8\(2\)\(b\)](#)