



# Agricultural Holdings (Scotland) Act 1949

## 1949 CHAPTER 75

*Compensation to tenant, on termination of tenancy,  
for improvements begun before 1st November, 1948*

### **44 Reduction in amount of, or exclusion of right to, compensation for old improvements in certain cases**

- (1) In the ascertainment of the amount of the compensation payable under this Act to the tenant in respect of an old improvement, there shall be taken into account—
  - (a) any benefit which the landlord has given or allowed to the tenant in consideration of the tenant carrying out the improvement, whether expressly stated in the lease to be so given or allowed or not; and
  - (b) as respects manuring, the value of the manure required by the lease or by custom to be returned to the holding in respect of any crops grown on and sold off or removed from the holding within the last two years of the tenancy or other less time for which the tenancy has endured, not exceeding the value of the manure which would have been produced by the consumption on the holding of the crops so sold off or removed.
- (2) In assessing the amount of any compensation payable to the tenant, whether under this Act or under custom or agreement, by reason of the improvement of the holding by the addition thereto of lime in respect of which a contribution has been made under Part I of the Agriculture Act, 1937, the contribution shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his carrying out the improvement, and the compensation shall be reduced accordingly.
- (3) In assessing the amount of any compensation payable under this Act to the tenant in respect of such an improvement as is mentioned in paragraph (ii) of the proviso to subsection (2) of section forty of this Act, if it is shown to the satisfaction of the person assessing the compensation that the improvement consisted of, or was wholly or in part the result of or incidental to, operations in respect of which any grant has been or is to be made to the tenant out of moneys provided by Parliament, the grant shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his carrying out the improvement, and the compensation shall be reduced to such extent as that person considers appropriate.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Notwithstanding anything in the foregoing provisions of this Act, the tenant shall not be entitled to compensation thereunder for an old improvement carried out on land which, at the time the improvement was begun, was not a holding within the meaning of the Agricultural Holdings (Scotland) Act, 1923, as originally enacted, and would not have fallen to be treated as such a holding by virtue of section thirty-three of that Act.
- (5) In this section the expression " manuring " means any of the improvements specified in paragraphs 25 to 27 of the Second Schedule to this Act or in paragraphs 25 to 27 of the Third Schedule thereto.