

STATUTORY INSTRUMENTS

1986 No. 1823 (S.132)**AGRICULTURE****The Hill Farming Act 1946 (Variation of Second Schedule)
(Scotland) Order 1986**

Made - - - - 20th October 1986

Laid before Parliament 6th November 1986

Coming into Operation 1st December 1986

The Secretary of State, in exercise of the powers conferred on him by section 28(1A) of the Hill Farming Act 1946(a), and of all other powers enabling him in that behalf, hereby makes the following order:-

Citation, commencement and extent

1. This order may be cited as the Hill Farming Act 1946 (Variation of Second Schedule) (Scotland) Order 1986 and shall come into operation on 1st December 1986. This order shall extend only to Scotland.

Interpretation

2. In this order the expression "the Act" means the Hill Farming Act 1946.

Variation of Second Schedule to the Act

3. The Second Schedule to the Act(b) (which Schedule contains provisions as to the valuation of sheep stock in Scotland where such stock is to be taken over at the termination of the tenancy of an agricultural holding by the landlord or the incoming tenant and for the purposes of any such valuation provides for the adjustment of certain prices and values within limits specified in the Schedule and for the addition to certain values or amounts so specified) shall be varied in accordance with the Schedule to this order.

Application

4. The provisions of the Second Schedule to the Act as varied by this order shall not apply for the purposes of a valuation carried out in respect of a lease entered into before the commencement of this order.

(a) 1946 c.73; section 28(1A) was inserted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), section 32.

(b) The Second Schedule was amended by the Agriculture (Miscellaneous Provisions) Act 1963 (c.11).

John J. MacKay,
Parliamentary Under Secretary of State,
Scottish Office.

New St. Andrew's House,
Edinburgh.
20th October 1986.

SCHEDULE

1. Part I (Provisions as to a Valuation made in respect of a Tenancy Terminating at Whitsunday) of the Second Schedule to the Act shall be varied as follows:-

- (1) In paragraph 1 before the word "ewes" where it occurs there shall be inserted the words "regular cast".
- (2) In paragraph 2 before the word "ewes" where it first, second and fourth occurs there shall be inserted the words "regular cast".
- (3) In paragraph 3 before the word "ewes" where it occurs there shall be inserted the words "regular cast".
- (4) In paragraph 4 before the word "ewes" where it occurs there shall be inserted the words "regular cast".
- (5) In paragraph 5 -
 - (a) in the first sub-paragraph before the word "ewes" where it first occurs there shall be inserted the words "regular cast" and for the words "twenty per cent" there shall be substituted the words "thirty per cent";
 - (b) in the second sub-paragraph for the words from "The valuer" to "lambs, and" there shall be substituted the words "The valuer shall adjust the three year average price for lambs within the limits of twenty per cent upwards or downwards as he may think proper having regard to their quality and condition." and for the words "the resultant" substitute the words "The resultant".
- (6) In paragraph 6(b) for the words "so however that" there shall be substituted the word "but" and the word "however" shall be inserted after the words "twin lambs".
- (7) In paragraph 6(c) for the words "two-thirds" there shall be substituted the words "three quarters" and for the word "ten" there shall be substituted the words "twenty five".

2. Part II (Provisions as to a Valuation made in respect of a Tenancy Terminating at Martinmas) of the Second Schedule to the Act shall be varied as follows:-

- (1) In paragraph 1
 - (a) before the word "ewes" where it occurs there shall be inserted the words "regular cast".
 - (b) for the words "one-tenth" there shall be substituted the words "one-fifth".
- (2) In paragraph 2 for the words "ten per cent" there shall be substituted the words "thirty per cent".
- (3) In paragraph 3 for the words "ten per cent" there shall be substituted the words "twenty per cent".

3. Part III (Particulars required to be shown in an Arbiter's Award) of the Second Schedule to the Act shall be varied as follows:-

In paragraph 1 before the word "ewes" there shall be inserted the words "regular cast".

4. Part IV (Interpretation) of the Second Schedule to the Act shall be varied as follows:-

After the word "expressions" there shall be inserted the words ""regular cast ewes"".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order which comes into operation on 1st December 1986, makes certain amendments to the Second Schedule to the Hill Farming Act 1946 which Schedule sets down a precise formula for the valuation of sheep stocks when these stocks are taken over at Whitsunday and Martinmas. The order introduces the term "regular cast ewes" and amends the fraction and percentage limits applicable to the adjustment of prices and values. The changes made by the order will apply to valuations arising out of a lease entered into after 1st December 1986.

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