



# Land Settlement (Scotland) Act 1919

## 1919 CHAPTER 97

### PART I

#### PROVISIONS AS TO THE ACQUISITION OF LAND

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

- (1) With the consent of the Secretary for Scotland and the Treasury, land may, during the period of two years after the passing of this Act, 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 exerciseable during the like period.
- (2) The word " experimental " occurring in section one of the Small Holding Colonies Act, 1916, and so much of section eleven of that Act and section one of the 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 Congested Districts (Scotland) Act, 1897, and in relation to the landholders, cottars and fishermen in that Act mentioned.

#### **2 Acquisition of land for reclamation or drainage**

With the consent of the Secretary for Scotland and the Treasury, the Board may, during the period of two years after the passing of this Act, acquire land, by agreement or compulsorily, for reclamation or drainage, and subsection (4) of section one and

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*Status: This is the original version (as it was originally enacted).*

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section three of the Small Holding Colonies Act, 1916 (which relate to the acquisition of land by agreement under that Act) shall apply for the purposes of this section.

### **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 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 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.

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

Where, under the Small Holding Colonies Acts, 1916 and 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.

### **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 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.

### **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, unless the Board obtains the consent of the Secretary for Scotland to the requirements of the tenant being refused by the Board.
- (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.

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

Without prejudice to any other power conferred on the Board by the Congested Districts (Scotland) Act, 1897, or the Small Holding Colonies Acts, 1916 and 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—

- (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.

## **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 twenty pounds.