

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Scotland) Act 1919. (See end of Document for details)

FIRST SCHEDULE

Sections 3 and 20.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND

Modifications etc. (not altering text)

C1 Functions of Secretary for Scotland now exercisable by Secretary of State: [Secretaries of State Act 1926 \(c. 18\)](#) s. 1

- (1) Where under this Act the Board propose to acquire land compulsorily to provide for the compulsory acquisition of land by a local authority, the Board may prepare an Order putting in force as respects the land specified in the Order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement
- (2) The Order shall be in the prescribed form, and shall contain such provisions as may be prescribed for the purpose of carrying the Order into effect, and shall incorporate, with any necessary adaptations, the Lands Clauses Acts (except the provisions thereof relating to the sale of superfluous lands), and sections seventy to seventy-eight of the ^{M1}Railways Clauses Consolidation (Scotland) Act, 1845, and those Acts shall apply accordingly.

Marginal Citations

M1 [1845 c. 33](#).

- (3) The Order shall be published by the Board in the prescribed manner, and such notice as may be prescribed shall be given both in the locality in which the land specified in the Order is situate, and to the owners or reputed owners, lessees or reputed lessees, and occupiers of that land.
- (4) Any person having a right or interest in the land specified in the Order may, within the prescribed period, present in writing to the Board an objection to the making of the Order.
- (5) If within that period no such objection has been so presented, or every such objection so presented has been withdrawn, the Board may ^{F1} forthwith make the Order; but, if any such objection has been duly presented and has not been withdrawn, the Board shall take the same into consideration, and, after such inquiry (if any) as they think fit, may either withdraw the Order, without prejudice to the preparation and making of a new Order, or may make the Order with or without modification. ^{F1}

Textual Amendments

F1 Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), [Sch.](#)

- (6) In the case of an Order providing for the compulsory acquisition by leasing of land for allotments—
 - (a) The provisions of the ^{M2}Acquisition of Land (Assessment of Compensation) Act 1919, so far as applicable to compulsory leasing, shall apply with the necessary modifications; and

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Scotland) Act 1919. (See end of Document for details)

- [^{F2}(b) The official arbiter shall have power to determine any question—
- (i) as to the terms and conditions of the proposed lease; or
 - (ii) as to the amount of compensation for severance; or
 - (iii) as to the compensation payable to any tenant in respect of the land taken forming part of any existing tenancy; or
 - (iv) as to the apportionment of the rent between the land acquired by the local authority and the land retained by the tenant; or
 - (v) as to any other matter incidental to the taking on lease of the land by the authority, or the surrender thereof at the end of their tenancy: but the arbiter, in fixing the rent, shall not make any allowance in respect of the lease being compulsory;]

[^{F2}(c) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land taken on lease by the local authority shall, as far as possible, be provided for by taking such compensation into account in fixing, as the case may require, the rent to be paid by the authority for the land taken on lease by them, and the apportioned rent, if any, to be paid by the tenant for that portion of the holding which is not taken on lease by the authority. Provided always that during the unexpired period of the tenant's lease the sum in cumulo of the apportioned portions of rent shall not be less than the rent formerly paid by the tenant;]

[^{F2}(d) The award of the arbiter or a copy thereof, together with a report signed by him as to the condition of the land taken on lease by the local authority, shall be deposited and preserved with the public books and papers of the authority, and any person interested shall, at all reasonable times, be at liberty to inspect the same, and to take copies thereof;]

[^{F2}(e) The Order may incorporate or apply, with any adaptations which may be prescribed by the Board, such of the provisions of the Lands Clauses Acts (including those relating to the acquisition of land otherwise than by agreement) and of sections seventy to seventy-eight of the ^{M3}Railways Clauses Consolidation (Scotland) Act, 1845, as appear to the Board sufficient for carrying into effect the Order, and for the protection of the persons interested in the land, and of the local authority, and those Acts shall apply accordingly; but it shall not be necessary for the Order to incorporate or apply any other provisions of those Acts.]

Textual Amendments

F2 (6)(b)—(e) substituted for (6)(b) by [Allotments \(Scotland\) Act 1922 \(c. 52\)](#), [Sch. 2](#)

Marginal Citations

M2 1919 c. 57.

M3 1845 c. 33.

- (7) Any Order made under this schedule ^{F3} shall have effect as if enacted by Parliament.

Textual Amendments

F3 Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), [Sch.](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Scotland) Act 1919. (See end of Document for details)

- (8) (a) In construing, for the purposes of this schedule, or any Order made thereunder, any enactment incorporated with the Order, this Act together with the Order shall be deemed to be the Special Act, and the Board or the local authority, as the case may be, shall be deemed to be the promoters of the undertaking.
- (b) In this schedule, the expression “land” includes water and any right or servitude to or over land or water, and “prescribed” means prescribed by the Secretary for Scotland.

SECOND SCHEDULE

Section 17.

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE ACT OF 1911.

Modifications etc. (not altering text)

- C2** The text of Sch. 2 and 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Enactment to be amended.	Amendment.
Small Landholders (Scotland) Act, 1911 (1 & 2 Geo. 5. c. 49). Section 7	At the end of subsection (6) the following words shall be inserted:— “ nor shall the rent payable in respect of a new holding constituted by a scheme made under this section be so altered for a like period ”. In subsection (12) for the words “Land Court” there shall be substituted the word “Board”.
Section 24	At the end of subsection (18) the following words shall be inserted:— “ and any other land which has been or may be acquired by the Board ”
Section 35	In subsection (3) after the words “or the Land Court” there shall be inserted the words “or the Board” and after the words “from the Land Court”, there shall be inserted the words “or from the Board”.
	For the words “Land Court” there shall be inserted the word “Board.”

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Scotland) Act 1919. (See end of Document for details)

THIRD SCHEDULE

Section 23.

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE ACT OF 1892.

Modifications etc. (not altering text)

- C3** The text of Sch. 2 and 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Enactment to be amended.

Amendment.

The Allotments (Scotland) Act, 1892 (55 & 56 Vict. c. 54.)

Section 2

For the word “county,” wherever occurring, there shall be substituted the word “parish”.

Section 3

In paragraphs (a) and (b) of subsection (5), and in subsection (7), for the words “local authority,” wherever occurring, there shall be substituted the words “Board of Agriculture for Scotland,” and for the words “a provisional order,” wherever occurring, there shall be substituted the words “an order”.

Section 12

For the words “any parish in their county” there shall be substituted the word “parish”.

Section 14

For the word “county,” wherever occurring, there shall be substituted the word “parish”.

Section 16

In the definition of “local authority,” for the words “in a county the county council” there shall be substituted the words “elsewhere than a burgh the parish council”.

F4^{F4} FOURTH SCHEDULE

Textual Amendments

- F4** Sch. 4 repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

.....
 F4

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Land Settlement (Scotland) Act 1919.