



# Agricultural Holdings (Scotland) Act 1949 <sup>F1</sup>(repealed 25.9.1991)

## CHAPTER 75

### AGRICULTURAL HOLDINGS (SCOTLAND) ACT 1949 (REPEALED 25.9.1991)

#### *Meaning of “agricultural holding”*

- 1 Meaning of “agricultural holding.”

#### *Provisions as to leases*

- 2 Restriction on letting agricultural land for less than from year to year.
- 3 Tacit relocation.
- 4 Provisions for securing written leases and for the revision of certain leases.
- 5 Respective liabilities of landlord and tenant for provision and maintenance of fixed equipment and for payment of insurance premiums.
- 6 Provisions supplementary to s. 4 and s. 5.
- 7 Variation of rent.
- 8 Increases of rent in respect of certain improvements carried out by landlord.
- 9 (1) Where under the lease of an agricultural holding, whether...
- 10 Leases to continue in force notwithstanding variation of terms, etc.

#### *Miscellaneous provisions affecting the relationship of landlord and tenant*

- 11 Certain agreements by incoming tenant to pay compensation due to outgoing tenant to be void.
- 12 Freedom of cropping and disposal of produce.

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- 13 Prohibition of removal of manure, etc., after notice to terminate the tenancy.
- 14 Tenant's right to remove fixtures and buildings.
- 15 Compensation for damage by game.
- 16 Restriction of landlord's right to penal rent or liquidated damages.
- 17 Making of record of condition, etc., of holding.
- 18 The landlord of an agricultural holding or any person authorised...
- 19 Removal of tenant for non-payment of rent.
- 20 Bequest of lease.
- 21 Right of landlord to object to acquirer of lease.
- 22 Provisions as to payment for implements, etc., sold on quitting holding.
- 23 Application of sums recovered under fire insurance policy.

*Provisions as to notices to quit*

- 24 Provisions as to giving of notices to quit.
- 25 Restrictions on operation of notices to quit.
- 26 Provisions as to consents for purposes of preceding section.
- 26A Termination of tenancies acquired by succession.
- 27 (1) An application by a landlord for the consent of...
- 28 For the purposes of paragraph (d) of subsection (2) of...
- 29 .....
- 30 Penalty for breach of condition accompanying consent to notice to quit.
- 31 Provisions as to notices to quit where holding agreed to be sold.
- 32 Notices to quit part of holdings not to be invalid in certain cases.
- 33 Tenant's right to treat notice to quit part of holding as notice to quit entire holding.
- 34 Reduction of rent where tenant dispossessed of part of holding.

*Compensation to tenant for disturbance*

- 35 Right to, and measure of, compensation for disturbance.

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

- 36 Application of sections 37 to 46.
- 37 Right of tenant to compensation for old improvements.
- 38 Amount of compensation for old improvements.
- 39 Compensation for certain old improvements conditional on consent of landlord.
- 40 Compensation for certain old improvements conditional on notice to landlord.
- 41 Conditions attaching to right to compensation for repairs to buildings.
- 42 Agreements as to compensation for old improvements specified in Part III of Second or Third Schedule.
- 43 Compensation in respect of temporary pasture.
- 44 Reduction in amount of, or exclusion of right to, compensation for old improvements in certain cases.
- 45 Provision as to change of tenancy.
- 46 Right to compensation for old improvements of tenant who has paid compensation therefor to outgoing tenant.

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

- 47 Application of sections 48 to 55.
- 48 Tenant's right to compensation for new improvements.
- 49 Amount of compensation for new improvements.
- 50 Compensation for Sch. 1, Pt. I, improvements conditional on consent of landlord.
- 51 Compensation for Sch. 1, Pt. II, improvements conditional on notice to landlord.
- 52 Compensation for Sch. 1, Pt. II, improvements conditional on approval of Secretary of State in certain cases.
- 53 Compensation in respect of temporary pasture.
- 54 Provision as to change of tenancy.
- 55 Right to compensation for new improvements of tenant who has paid compensation therefor to outgoing tenant.

*Compensation to tenant, on termination of tenancy,  
for continuous adoption of special standard*

- 56 Compensation for continuous adoption of special standard of farming.

*Compensation to landlord, on termination of tenancy, for deterioration of holding*

- 57 Compensation to landlord for deterioration, etc. of particular parts of holding.
- 58 Compensation to landlord for general deterioration of holding.
- 59 Provisions supplementary to s. 57 and s. 58.

*Supplementary provisions with respect to compensation*

- 60 Compensation provisions of this Act to apply to parts of holdings in certain cases.
- 61 Determination of claims for compensation where holding is divided.
- 62 Adjustment of compensation in respect of ploughing grants.
- 63 Compensation not to be payable for things done in compliance with this Act.
- 64 Extent to which compensation recoverable under agreements.

*Special provisions affecting market gardens as regards compensation and fixtures*

- 65 Effect of agreement to let or treat an agricultural holding as a market garden.
- 66 Power of Secretary of State in default of agreement to treat an agricultural holding as a market garden.
- 67 Agreements as to compensation relating to market gardens.

*Settlement of claims between landlord and tenant on termination of tenancy*

- 68 Settlement of claims by arbitration.

*Recovery of sums due under this Act*

- 69 Recovery of compensation and other sums due.
- 70 Power of tenant to obtain charge on holding in respect of compensation.

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### *Supplementary provisions*

- 71, 72 .....
- 73 Proceedings of the Land Court.
- 74 Matters to be referred to arbitration.
- 75 Provisions as to arbitrations.
- 76 Constitution of panel of arbiters, and provisions as to remuneration of arbiter.
- 77 Appointment of arbiter in cases to which the Secretary of State is a party.
- 78 Determination of questions by Land Court in lieu of arbitration.
- 79 Power of Secretary of State to vary First and Fourth Schedules to this Act.
- 80 Power of limited owners to give consents, etc.
- 81 Power of heir of entail to apply entailed moneys for improvements.
- 82 Power of landlord to obtain charge on holding in respect of compensation, etc. paid by him.
- 83 Power of land improvement companies to advance money.
- 84 Appointment of guardian to landlord or tenant in certain cases.
- 85 Validity of consents, etc

### *Provisions as to Crown Land*

- 86 Application of Act to Crown land.
- 87 Determination of matters relating to holdings of which the Secretary of State is landlord or tenant.

### *General*

- 88 Expenses and receipts.
- 89 Provisions as to entry and inspection.
- 90 Service of notices, etc.
- 91 Prohibition of appeal from sheriff substitute.
- 92 Revocation and variation of orders.
- 93 Interpretation.
- 94 Amendments of other Acts.
- 95 Construction of references in other Acts to holdings as defined by the Agricultural Holdings (Scotland) Act, 1923.
- 96 Improvements carried out before 1909.
- 97 Repeal of enactments.
- 98 Provisions as to tenants quitting before commencement of this Act, or thereafter in consequence of notice given, etc. before 1st November, 1948.
- 99 General savings.
- 100 Savings for other rights, etc.
- 101 Short title and extent.

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## SCHEDULES

FIRST SCHEDULE — Improvements begun on or after 1st November, 1948, for which compensation may be payable

Part I — IMPROVEMENTS TO WHICH CONSENT OF LANDLORD IS REQUIRED

- 1 Laying down of permanent pasture.

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- 2 Making of water-meadows or works of irrigation.
- 3 Making of gardens.
- 4 Planting of orchards or fruit bushes.
- 5 Warping or weiring of land.
- 6 Making of embankments and sluices against floods.
- 7 Making or planting of osier beds.
- 8 Haulage or other work done by the tenant in aid...

PART II — IMPROVEMENTS IN RESPECT OF WHICH NOTICE TO LANDLORD IS  
REQUIRED

- 9 Land drainage.
- 10 Construction of silos.
- 11 Making or improvement of farm access or service roads, bridges...
- 12 Making or improvement of watercourses, ponds or wells, or of...
- 13 Making or removal of permanent fences, including hedges, stone dykes...
- 14 Reclaiming of waste land.
- 15 Renewal of embankments and sluices against floods.
- 16 Provision of stells, fanks, folds, dippers, pens and bughts necessary...
- 17 Provision or laying on of electric light or power, including...
- 18 Erection, alteration or enlargement of buildings, and making or improvement...
- 19 Erection of hay or sheaf sheds, sheaf or grain drying...
- 20 Provision of fixed threshing mills, barn machinery and fixed dairying...
- 21 Improvement of permanent pasture by cultivation and re-seeding.
- 22 Provision of means of sewage disposal.
- 23 Repairs to fixed equipment, being equipment reasonably required for the...

Part III — IMPROVEMENTS IN RESPECT OF WHICH CONSENT OF, OR NOTICE  
TO, LANDLORD IS NOT REQUIRED

- 24 Protecting fruit trees against animals.
- 25 .....
- 26 Clay burning.
- 27 Claying of land.
- 28 Liming (including chalking) of land.
- 29 Marling of land.
- 30 Eradication of bracken, whins or broom growing on the holding...
- 31 Application to land of purchased manure and fertiliser, whether organic...
- 32 Consumption on the holding of corn (whether produced on the...
- 33 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or...

SECOND — Improvements begun before 31st July, 1931, for which  
SCHEDULE compensation may be payable

Part I — IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE IF  
CONSENT OF LANDLORD WAS OBTAINED TO THEIR EXECUTION

- 1 Erection, alterations, or enlargement of buildings.
- 2 Formation of silos.
- 3 Laying down of permanent pasture.
- 4 Making and planting of osier beds.
- 5 Making of water meadows or works of irrigation.
- 6 Making of gardens.
- 7 Making or improvement of roads or bridges.

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- 8 Making or improvement, of watercourses, ponds, wells, or reservoirs, or...
- 9 Making or removal of permanent fences.
- 10 Planting of hops.
- 11 Planting of orchards or fruit bushes.
- 12 Protecting young fruit trees.
- 13 Reclaiming of waste land.
- 14 Warping or weiring of land.
- 15 Embankments and sluices against floods.
- 16 Erection of wirework in hop gardens.
- 17 Provision of permanent sheep dipping accommodation.
- 18 In the case of arable land the removal of bracken,...
  - Part II — IMPROVEMENT FOR WHICH COMPENSATION IS PAYABLE IF NOTICE WAS GIVEN TO LANDLORD BEFORE EXECUTION THEREOF
- 19 Drainage.
  - Part III — IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE WITHOUT CONSENT OF, OR NOTICE TO, LANDLORD OF THEIR EXECUTION
- 20 Chalking of land.
- 21 Clay-burning.
- 22 Claying of land or spreading blaes upon land.
- 23 Liming of land.
- 24 Marling of land.
- 25 Application to land of purchased artificial or other purchased manure....
- 26 Consumption on the holding by cattle, sheep, or pigs, or...
- 27 Consumption on the holding by cattle, sheep, or pigs, or...
- 28 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or...
- 29 Repairs to buildings, being buildings necessary for the proper cultivation...

THIRD SCHEDULE — Improvements begun on or after 31st July, 1931, and before 1st November, 1948, for which compensation may be payable

Part I — IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE IF CONSENT OF LANDLORD WAS OBTAINED TO THEIR EXECUTION

- 1 Erection, alteration, or enlargement of buildings.
- 2 Laying down of permanent pasture.
- 3 Making and planting of osier beds.
- 4 Making of water meadows or works of irrigation.
- 5 Making of gardens.
- 6 Planting of orchards or fruit bushes.
- 7 Protecting young fruit trees.
- 8 Warping or weiring of land.
- 9 Making of embankments and sluices against floods.
  - Part II — IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE IF NOTICE WAS GIVEN TO LANDLORD BEFORE EXECUTION THEREOF
- 10 Drainage.
- 11 Formation of silos.
- 12 Making or improvement of roads or bridges.
- 13 Making or improvement of watercourses, ponds or wells, or of...
- 14 Making or removal of permanent fences.
- 15 Reclaiming of waste land.
- 16 Repairing or renewal of embankments and sluices against floods.

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- 17 Provision of sheep dipping accommodation.
- 18 The provision of electrical equipment other than moveable fittings and...  
Part III — IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE  
WITHOUT CONSENT OF, OR NOTICE TO, LANDLORD OF THEIR  
EXECUTION
- 19 Chalking of land.
- 20 Clay-burning.
- 21 Claying of land or spreading blaes upon land.
- 22 Liming of land.
- 23 Marling of land.
- 24 Eradication of bracken, whins, or gorse growing on the holding...
- 25 Application to land of purchased artificial or other purchased manure....
- 26 Consumption on the holding by cattle, sheep, or pigs, or...
- 27 Consumption on the holding by cattle, sheep, or pigs, or...
- 28 Laying down temporary pasture with clover, grass, lucerne, sainfoin,  
or...
- 29 Repairs to buildings, being buildings necessary for the proper  
cultivation...

FOURTH SCHEDULE — Market garden improvements for which compensation may be payable

- 1 Planting of standard or other fruit trees permanently set out....
- 2 Planting of fruit bushes permanently set out.
- 3 Planting of strawberry plants.
- 4 Planting of asparagus, rhubarb, and other vegetable crops which  
continue...
- 5 Erection, alteration or enlargement of buildings for the purpose of...

FIFTH SCHEDULE — Matters for which provision is to be made in written leases

- 1 The names of the parties.
- 2 Particulars of the holding with sufficient description, by reference to...
- 3 The term or terms for which the holding or different...
- 4 The rent and the dates on which it is payable....
- 5 An undertaking by the landlord in, the event of damage...
- 6 An undertaking by the tenant, in the event of the...

SIXTH SCHEDULE — Provisions as to Arbitrations

*Appointment of arbiter*

- 1 A person agreed upon between the parties or, in default...
- 2 If a person appointed arbiter dies, or is incapable of...
- 3 Neither party shall have the power to revoke the appointment...
- 4 Every appointment, notice, revocation and consent under the foregoing  
provisions...

*Particulars of Claim*

- 5 Each of the parties to the arbitration shall within twenty-eight...

*Evidence*

- 6 The parties to the arbitration, and all persons claiming through...
- 7 The arbiter shall have power to administer oaths, and to...

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### *Award*

- 8 The arbiter shall make and sign his award within three...
- 9 The arbiter may, if he thinks fit, make an interim...
- 9A An arbiter appointed by the Secretary of State or the...
- 10 The award , and any statement made under paragraph 9A...
- 11 The arbiter shall— (a) state separately in his award the...
- 12 Where by virtue of this Act compensation under an agreement...
- 13 The award shall fix a day not later than one...
- 14 Subject to section 75(1A) of this Act, the award to...
- 15 The arbiter may correct in an award any clerical mistake...

### *Expenses*

- 16 The expenses of and incidental to the arbitration and award...
- 17 The arbiter shall, in awarding expenses, take into consideration the...
- 18 It shall not be lawful to include in the expenses...

### *Statement of case*

- 19 Subject to paragraph 20A of this Schedule, the arbiter may...
- 20 Subject to paragraph 20A of this Schedule, the opinion of...
- 20A Where the arbiter in any arbitration under section 7(1) of...

### *Removal of arbiter and setting aside of award*

- 21 Where an arbiter has misconducted himself the sheriff may remove...
- 22 When an arbiter has misconducted himself, or an arbitration or...

### *Forms*

- 23 Any forms for proceedings in arbitrations under this Act which...

## SEVENTH — Amendments of other Acts SCHEDULE

### *The Small Landholders and Agricultural Holdings (Scotland) Act, 1931*

In section twenty-six, for subsection (2) there shall be substituted...

### *The Hill Farming Act, 1946*

The Hill Farming Act, 1946, shall, in its application to...

## EIGHTH SCHEDULE — Enactments Repealed

## NINTH SCHEDULE —

### Part I — GROUNDS FOR CONSENT TO OPERATION OF NOTICE TO QUIT A TENANCY LET BEFORE 1 JANUARY 1984

#### *Case 1*

The tenant has neither sufficient training in agriculture nor sufficient...

#### *Case 2*

- (a) The holding or any agricultural unit of which it forms...



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- (b) the landlord intends to use the holding for the purpose...
- (c) the notice specifies the land with which the holding is...

*Case 3*

The tenant is the occupier (either as owner or tenant)...

Part II — GROUNDS FOR CONSENT TO OPERATION OF NOTICE TO QUIT A  
TENANCY LET ON OR AFTER 1 JANUARY 1984

*Case 4*

The tenant does not have sufficient financial resources to enable...

*Case 5*

The tenant has neither sufficient training in agriculture nor sufficient...

*Case 6*

- (a) The holding or any agricultural unit of which it forms...
- (b) the landlord intends to use the holding for the purpose...
- (c) the notice specifies the land with which the holding is...

*Case 7*

The tenant is the occupier (either as owner or tenant)...

Part III — SUPPLEMENTARY

- 1 For the purposes of section 26A of this Act and...
- 2 For the purposes of determining whether land is a two-man...
- 3 For the purposes of Case 7 of this Schedule, occupation...

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