



# Hill Farming Act 1946

1946 CHAPTER 73 9 and 10 Geo 6

## *Rehabilitation of Hill Farming Land*

### **[<sup>F1</sup>9 Operation of the Agricultural Holdings (Scotland) Act, 1949, in relation to improvement schemes.**

- (1) Subject to the provisions of this section, the [<sup>F2</sup>Agricultural Holdings (Scotland) Act 1991], referred to in subsections (2) and (4) below as "the 1991 Act", shall apply to improvements for which provision is made by an approved hill farming land improvement scheme as it applies to other improvements.
- (2) Where a tenant of an agricultural holding within the meaning of [<sup>F3</sup>the 1991 Act] has carried out thereon an improvement specified in [<sup>F4</sup>Part I or Part II of Schedule 5] to that Act in accordance with provision in such a scheme for the carrying out of the improvement and for the tenant's being responsible for doing the work, being provision included in the scheme at the instance or with the consent of the landlord, then—
  - (a) in the case of an improvement specified in the said Part I, the landlord shall be deemed to have consented as mentioned in [<sup>F5</sup>section 37 of the 1991 Act] in relation to the improvement; or
  - (b) in the case of an improvement specified in the said Part II, the tenant shall be deemed to have given notice to the landlord as mentioned in [<sup>F6</sup>section 38 of the 1991 Act] in relation to the improvement and the landlord shall be deemed to have received the notice and to have given no such notice to the tenant as is mentioned in [<sup>F7</sup>section 39 of the 1991 Act] objecting to the carrying out of the improvement or to the manner in which the tenant proposes to carry out the work;and any agreement as to compensation or otherwise made between the landlord and the tenant in relation to the improvement shall have effect as if it had been such an agreement on terms as is mentioned in [<sup>F8</sup>section 37 or 38 of the 1991 Act] as the case may be.
- (3) If on the ground of work being badly done the appropriate Minister withholds or reduces the improvement grant in respect of an improvement, he may direct that any right conferred by [<sup>F9</sup>section 15 of the 1991 Act] to have the rent of an agricultural

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*Changes to legislation: There are currently no known outstanding effects for the Hill Farming Act 1946, Section 9. (See end of Document for details)*

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holding increased shall not be exercisable in respect of the improvement, or shall be exercisable only to such extent as may be specified in the direction, and any such direction given after that right has been exercised shall be retrospective and any excess rent paid shall be repaid accordingly.

- (4) In assessing the amount of any compensation payable, whether under [<sup>F3</sup>the 1991 Act] or under custom or agreement, to the tenant of an agricultural holding, if it is shown to the satisfaction of the person assessing the compensation that the improvement of cultivations in respect of which the compensation is claimed was or were wholly or in part the result of or incidental to work in respect of the cost of which an improvement grant has been paid or will be payable, the amount of the grant shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his executing the improvement or cultivations, and the compensation shall be reduced to such extent as that person considers appropriate.]

#### Textual Amendments

- F1** S. 9 substituted (S.) with saving by [Agricultural Holdings \(Scotland\) Act 1949 \(c. 75\)](#), s. 8(3), [Sch. 7](#)
- F2** Words in s. 9(1) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), [Sch. 11 para. 1\(a\)](#)(with s. 45(3), Sch. 12 para. 3).
- F3** Words in s. 9(2)(4) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), [Sch. 11 para. 1\(b\)](#)(with s. 45(3), Sch. 12 para. 3).
- F4** Words in s. 9(2) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), [Sch. 11 para. 1 \(c\)\(i\)](#)(with s. 45(3), Sch. 12 para. 3).
- F5** Words in s. 9(2)(a) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), [Sch. 11 para. 1 \(c\)\(ii\)](#)(with s. 45(3), Sch. 12 para. 3).
- F6** Words in s. 9(2)(b) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), [Sch. 11 para. 1\(c\)\(iii\)](#)(with s. 45(3), Sch. 12 para. 3).
- F7** Words in s. 9(2)(b) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), [Sch. 11 para. 1\(c\)\(iv\)](#)(with s. 45(3), Sch. 12 para. 3).
- F8** Words in s. 9(2) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), [Sch. 11 para. 1\(c\)\(v\)](#)(with s. 45(3), Sch. 12 para. 3).
- F9** Words in s. 9(3) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), [Sch. 11 para. 1\(d\)](#)(with s. 45(3), Sch. 12 para. 3).

**Changes to legislation:**

There are currently no known outstanding effects for the Hill Farming Act 1946, Section 9.