EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Order brings into operation on 1st November, 1948, those provisions of the Agriculture (Scotland) Act, 1948, which relate to agricultural holdings and to good estate management and good husbandry with the exception of section 23 (Revision of the panel of arbiters) which came into operation on the passing of the Act.

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(2) AGRICULTURAL HOLDINGS

The Agricultural Records (Scotland) Regulations, 1948

1948 No. 2817 (S.205)

Made - - - -	*22nd December,* 1948
Laid before Parliament	*29th December,* 1948
Coming into Operation	*5th January,* 1949

In exercise of the powers conferred on me by section 37 of the Agricultural Holdings (Scotland) Act, 1923(a), as amended by section 24 of the Agriculture (Scotland) Act, 1948(b), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1.—(1) These regulations may be cited as the Agricultural Records (Scotland) Regulations, 1948, and shall come into operation on the fifth day of January, 1949.

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. A record of a holding or part thereof, or of the fixed equipment on a holding, made under the said section 37, amended as aforesaid, or under subsection (1) of section 13 of the Agriculture (Scotland) Act, 1948, shall be in the form set out in the First Schedule hereto so far as applicable to such record, or in a form to the like effect, and shall be made in accordance with the Rules relative to the said form contained in the Second Schedule hereto.

Dated this 22nd day of December, 1948.

Arthur Woodburn,

One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

FIRST SCHEDULE

FORM OF RECORD

NOTE.—Where the record is a record of

(*a*) the whole holding (which includes fixed equipment and cultivation), the full form of record so far as applicable will be used ;

(a) 13 & 14 Geo. 5. c. 10. (b) 11 & 12 Geo. 6. c. 45.
(c) 52 & 53 Vict. c. 63.

(*b*) part of the holding, the full form of record so far as applicable will be used. Particulars of the whole holding require to be furnished under Head I ; the remaining Heads and the relative map and plan will refer only to the part of the holding specified ;

(*c*) the fixed equipment only, Heads II, VIII and IX of the form do not apply, and Heads III and IV apply only in so far as these relate to fixed equipment.

In all cases where, in terms of section 37 of the Agricultural Holdings (Scotland) Act, 1932, the tenant requires that a record be made of any existing improvements executed by the tenant or for which the tenant with the consent in writing of his landlord has paid compensation to an outgoing tenant, or of any fixtures or buildings which under section 29 of the said Act the tenant is entitled to remove, such a record shall be made under the appropriate Head or Heads of this form.

RECORD

made under the Agricultural Holdings (Scotland) Acts, 1923 to 1948,

of

the holding (*or* part of the holding, *or* the fixed equipment on the holding, *as the case may be*) known as .....
in the Parish of ..... and County of .....
being a record made on ..... 19....., by .....
..... nominated for that purpose under the said Acts on ..... 19..... A map of the ground and a plan of the buildings thereon are attached and signed as relative to the record.

I. *Particulars of tenancy*

Landlord .....
Tenant .....
Rent .....
Entry .....
Duration .....
Expiry .....
Breaks .....
Whether continued on tacit relocation .....

II. *Area*

	Acres	*Acres*
1. Arable		.....
2. Permanent Pasture, as shown in lease		.....
3. Hill Land		.....
4. Rough Grazing (not included above)...		.....
*5. Other areas:—		
Buildings		
Roads		
Water		
Shelter belts and woodlands ...		.....
Stackyards		
Folds		
Gardens		
Total		

III. *Compensation*

Nature and amount of compensation paid by tenant to former tenant.

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* Separate figures, if readily available, should be given for these items.

IV. *Consideration or allowances*

Any consideration or allowances which have been made

(i) by the landlord to the tenant ;

(ii) by the tenant to the landlord.

V. *Buildings*

(i) General description.

(ii) Detailed description.

VI. *Fences, Hedges, Dykes and Walls, Gates, Roads and Paths, Water Supplies, Water Courses, Ditches and Drains*

(*a*) Fences

(*b*) Hedges

(*c*) Dykes and Walls

(*d*) Gates

(*e*) Roads and Paths

(*f*) Water Supplies

(*g*) Water Courses, Ditches and Drains

VII. *Other items of fixed equipment*

VIII. *Cultivation*

IX. *Any other items*

SECOND SCHEDULE

RULES

1. *Map and plan*

(*a*) *Holding.*—The map of the arable ground and the land occupied by buildings shall be on a scale of not less than 25 inches to the mile. The map of the remainder of the holding shall, wherever practicable, be on the same scale but in the case of hill farms and extensive holdings a map on a smaller scale may be used. In all cases the relative Ordnance Survey sheet number and edition, parcel or field numbers, areas and orientation shall be shown.

(*b*) *Buildings.*—The plan or plans of permanent buildings (farmhouse, steading buildings, outbuildings and cottages) shall be a single-line drawing or drawings on a scale of not less than $\frac{1}{32}$ inch to one foot, showing the outline and any internal main subdivisions of the buildings, and shall be suitably lettered in relation to the record.

2. *Buildings*

(*a*) A general descriptive note of the whole range and location of buildings shall be given, followed by a detailed description of each building.

(*b*) (i) Buildings shall be listed and described in the following order, adapted as necessary to suit the case:—

(*a*) Farm dwellinghouse and any outbuildings

(*b*) Cottar houses and any outbuildings

(*c*) Other houses and any outbuildings

(*d*) Farm steading buildings and any outbuildings

(*e*) Stells, fanks, folds, dippers, pens and bughts.

(ii) External and internal condition of buildings, equipment and fixtures, including electrical equipment and troughs, and condition of roofs and all roofing materials, including slates, nails and sarking, shall be detailed.

(iii) Details of all defects and deficiencies shall be shown.

(iv) Sewage disposal and drainage systems of houses and steading shall, so far as reasonably practicable, be detailed.

3. *Fences, Hedges, Dykes and Walls, Gates, Roads and Paths, Water Supplies, Water-Courses, Ditches and Drains*

Detailed description of each item, related by number to the map, shall be given, under sub-headings, as follows:—

(*a*) *Fences.*—Construction, material and condition and whether boundary or internal.

(*b*) *Hedges.*—Species, height and condition of hedges and condition of any supplementary fencing.

(*c*) *Dykes and Walls.*—Type, height and condition, including wire, if any.

(*d*) *Gates.*—Type, location and condition of all gates and gate-posts.

(*e*) *Roads and Paths.*—Location, type of construction and condition, including condition of side drains, offlets, culverts and bridges.

(*f*) *Water Supplies.*—Supplies to houses, steading buildings, farm cottages and fields, detailing, with description of condition, sources of supplies, storage tanks, filters, piping, fittings and pumping installations.

(*g*) *Water-Courses, Ditches and Drains.*—Length, width, depth, running condition, condition of verges, sides and bottoms of ditches, and open drains ; drain outlets ; watering places, ponds, mill-lades, sluices, dams and, in the case of water-courses, condition of banks and field drain outlets.

All available information regarding the drainage system or systems of the holding shall be shown on the map.

4. *Other items of fixed equipment*

All items of " fixed equipment ", as defined in section 86 (3) of the Agriculture (Scotland) Act, 1948, shall be included.

5. *Cultivation*

Cropping Schedule shall be detailed and shall show sequence of cropping for each field or part of field for the past four years. Condition of grass (including permanent pasture) and other crops shall be detailed, with reference to appropriate numbering, field by field, on map. The nature and extent of infestation of crops and land by weeds shall be specified. Any evidence of lime and other mineral deficiency shall be noted. A note shall be added as to whether dung, straw, hay or turnips are sold off the holding. In the case of arable land, the presence of tree roots, boulders, stones, or other like obstacles to cultivation shall be noted.

6. *Any other items*

This shall include items not falling under the foregoing Heads such as:—

hill land (heather burning, condition of grazing, etc. and approximate area and location of bracken, whin, etc.) ;

gardens, including cottar house gardens (condition, size and location) ;

game ; and

injurious animals and birds, as defined in section 39 (3) of the Agriculture (Scotland) Act, 1948.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Under section 37 of the Agricultural Holdings (Scotland) Act, 1923, as amended by the Agriculture (Scotland) Act, 1948, records of holdings are to be made in the circumstances set out in the Acts. The regulations prescribe the form of record to be used.