SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER 50.

An Act to amend the Law relating to the Terms of Removal from Houses in Scotland. [25th June 1886.]

A.D. 1886.

WHEREAS in many counties and burghs in Scotland a custom exists whereby for the purpose of a tenant's entry to or removal from a house a period beyond the date of the legal term of entry or removal is allowed within which such entry or removal may take place:

And whereas the period so allowed is not uniform but varies according to local usage:

And whereas such want of uniformity is productive of great inconvenience, and it is expedient that the terms for such entry and removal should be uniform:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and extent of Act.

1. This Act may be cited as the Removal Terms (Scotland) Act, 1886, and shall extend to Scotland only.

Repeal of 44 & 45 Vict. c. 39.

2. The Removal Terms (Burghs) Scotland Act, 1881, is hereby repealed.

Definitions.

3. In this Act the following expressions shall have the following meanings:

"House" shall mean a dwelling-house, shop, or other building and their appurtenances, and shall include a dwelling-house or building let along with land for agricultural or other purposes:

"Burgh" shall mean royal burgh, parliamentary burgh, or any populous place, the boundaries whereof have been fixed and ascertained under the General Police and Improvement (Scotland) Act, 1862, and subsequent Acts:

A.D. 1886.

"Lease" shall include tack and set, and shall apply to any lease, tack, or set, whether constituted by writing or verbally, or by tacit relocation, and of whatever duration:

"Tenant" shall mean a tenant under any lease as defined by this Act: and

"Person" shall mean any person or individual, and shall apply to and include companies and corporations.

Terms of entry and removal from houses.

4. Where under any lease entered into after the passing of this Act, the term for a tenant's entry to, or removal from, a house shall be one or other of the terms of Whit-Sunday or Martinmas, the tenant shall, in the absence of express stipulation to the contrary, enter to, or remove from, the said house (any custom or usage to the contrary notwithstanding) at noon on the twenty-eighth day of May, if the term be Whit-Sunday, or at noon on the twenty-eighth day of November, if the term be Martinmas, or on the following day at the same hour, where the said terms fall on a Sunday.

Notwithstanding anything in this Act contained, in all cases in which warning is required forty days before a Whit-Sunday or Martinmas term of removal, such warning shall be given forty days before the fifteenth day of May and the eleventh day of November respectively.

Period of notice of removal in certain cases.

5. Where a house, other than a dwelling-house or building let along with land for agricultural purposes, is let for any period not exceeding four calendar months, notice of removal therefrom shall, in the absence of express stipulation, be given as many days before the date of ish as shall be equivalent to at least one third of the full period of duration of the lease.

Notice of removal by registered letter.

6. Notice of removal from a house, other than a dwelling-house or building let along with land for agricultural purposes, may hereafter be given by registered letter, signed by the person entitled to give such notice, or by the law agent or factor of such person, posted at any post office within the United Kingdom, in time to admit of its being delivered at the address thereon, on or prior to the last date upon which by law such notice of removal must be given, addressed to the person entitled to receive such notice, and bearing the particular address of such person at the time, if the same be known, or, if the same be not known, then the last known address of such person.

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