CHAPTER 44.

An Act to amend the Small Landholders (Scotland) Acts, 1886 to 1919, and the Agricultural Holdings (Scotland) Act, 1923.

[31st July 1931.]

BE it enacted by the King'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 :—

PART I.

AMENDMENT OF THE SMALL LANDHOLDERS (SCOTLAND) ACTS.

Compensation to an outgoing holder.

1.—(1) In any case where a landholder renounces or is removed from his holding and the landlord is liable to pay compensation for permanent improvements, either to the landholder or to the Department of Agriculture for Scotland (hereafter in this Act referred to as the "Department") in virtue of a transfer to them under section eight of the Act of 1911 of the landholder's rights to compensation, and another person (hereinafter referred to as the "incoming holder") becomes the holder of the holding, and, with the consent of the landlord, pays to the outgoing holder any compensation due to him and agrees with the Department to assume any outstanding liability to them of the outgoing holder in respect of a loan granted to him, the incoming holder shall be deemed to have executed or paid for the improvements, and on renouncing or being removed from the holding shall be entitled to compensation accordingly. Where in any such case the landlord has not paid the compensation due either to the outgoing holder, or to the Department, or has not made application to the Department to determine under the said section that any compensation due to them in virtue of the said section eight shall be deemed to be a loan to him, he shall be deemed to have given the consent aforesaid.

(2) In any such case as aforesaid the powers of the Department conferred by section seven of the Act of

PART I. —*cont.*

1911 with regard to the provision of assistance with a view to the registration of a new holder shall include power to provide assistance to the incoming holder to enable him to pay to the outgoing holder the compensation due to him, and where the outgoing holder is under any liability to the Department in respect of a loan granted to him, the Department and the incoming holder may agree that he shall assume such liability, and the amount thereof shall then be deemed to be a loan granted to the incoming holder in pursuance of the aforesaid powers conferred by section seven of the Act of 1911.

(3) Where a new holder or the Department on his behalf has made payment to the landlord of a sum representing the value to such holder of the existing buildings, such holder shall be deemed to have executed or paid for such buildings and shall be entitled to compensation accordingly, and any loan granted by the Department to such holder to enable him to make such payment, or any such payment made by the Department shall be deemed to be a loan granted to the landholder under section seven of the Act of 1911.

(4) The provisions of this section shall be deemed to have come into operation at the commencement of the Act of 1911, and any reference in this section to the Department shall include a reference to the Board of Agriculture for Scotland.

Department to be entitled to require information.

2.—(1) The Department, with a view to ascertaining whether any land is suitable or available for small holdings shall be entitled, by notice in writing served on the landlord of such land, to require the landlord to give such information as to the occupiers thereof, and the terms of their tenancies, as may be specified in the notice, or to allow copies to be made of any leases of such land, and if any landlord fails without reasonable excuse to comply with any such requirement within one month after the service of the notice he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds.

(2) A landlord shall be entitled to recover from the Department any expenses reasonably incurred by him in complying with a requisition under the foregoing subsection.

PART I. —*cont.*

Removal of landholder for breach of statutory conditions.

3.—(1) When one year's rent of a holding is unpaid or when a landholder has broken any statutory condition (other than a statutory condition as to payment of rent), it shall be lawful for the Land Court, on the application of the landlord and after consideration of any objections stated by the landholder, to make an order for the removal of the landholder, and where a landholder whose rights to compensation for permanent improvements have been transferred in whole or in part to the Department, under section eight of the Act of 1911, abandons his holding or breaks any statutory condition (other than as aforesaid) or breaks any of the conditions of repayment of a loan under the said section, it shall be lawful for the Land Court, on the application of the Department, and after considering any objections stated by the landholder or the landlord, to make an order for the removal of the landholder.

(2) Section three of the Act of 1886 and subsection (2) of section eight of the Act of 1911 are hereby repealed.

Termination of right of landholder who fails to occupy.

4. Where any person to whom a new holding has been allocated or let by the Department fails without reasonable cause within three months of his term of entry to such holding to occupy, cultivate and proceed to equip it, the Department after consideration of any objections stated by such person shall be entitled to terminate his right to such holding and to allocate or let it to some other person, and where a person has been registered by order of the Land Court as a landholder in respect of any holding and he fails without reasonable cause within three months of such registration to occupy, cultivate and proceed to equip the holding, it shall be lawful for the Land Court on the application of the Department or of the landlord, and after giving the Department, the landlord, and the landholder an opportunity of being heard, to cancel the registration of such landholder and to terminate his right to the holding, and the Department shall thereupon be entitled to allocate or let the holding to some other person.

Provisions as to loans for buildings.

5.—(1) For removing doubts as to the powers of the Department to grant loans under section nine of the Act of 1911, it is hereby declared that the Department may, where they are of opinion that assistance should be provided for the erection of new buildings, either

PART I. —*cont.*

in replacement of existing buildings or otherwise, provide such assistance by way of loan subject to the like conditions and incidents as loans made under section seven of the said Act, and, if made to a landholder, subject also to the provisions of section eight of the said Act.

(2) The power conferred on the Department by section nine of the Act of 1911 to provide assistance to landholders or cottars for the purposes therein specified shall be deemed to include and always to have included power to supply for payment in cash building or other materials to landholders or cottars to be used by them for the purposes aforesaid.

Amendment of law as to vacant holdings.

6. Section seventeen of the Act of 1911 shall be amended by leaving out the words from "if the Land Court" to "may prescribe"; and by inserting after the words "or to a new holder" the following words "and "the Board shall have in regard to any such holding the "like powers as if the holding had been included in a "scheme made and confirmed under section seven of "the Act of 1911, as amended by section nine of the "Act of 1919, at such rent as the Board may fix, "provided that the Board shall pay to the landlord, in "lieu of the compensation provided by the said section "as so amended, compensation to such amount as, "failing agreement, may be determined by the Land "Court in respect of any damage or injury arising out "of any alteration as regards the rent payable for or "the terms and conditions of occupancy of the holding."

Amendment of provisions as to enlargements.

7. Notwithstanding anything in section sixteen of the Act of 1911, as amended by section eleven of the Act of 1919, or in any of the enactments therein referred to, it shall not be necessary in any order confirming a scheme for the enlargement of holdings to include the names of the landholders applying for enlargement or the areas or rents of their existing holdings if the order specifies the locality from which the application has been received and the land which is available and, when any such order has been made, the Department may make such order as may be necessary for assigning the land to the landholders.

Amendment of provisions as to

8.—(1) The occupation by a landlord, for the purpose of personally residing thereon, of a holding

being his only landed estate, shall not be a reasonable purpose in respect of which the Land Court may authorise resumption by the landlord of a holding. resumption of holdings.

(2) The words in section nineteen of the Act of 1911, from "the feuing," to "estate or," and the word "respectively," are hereby repealed, and the reference in paragraph (15) of section thirty-two of the said Act to the said section nineteen shall be construed accordingly.

9. For the purposes of the Landholders' Acts the expression "predecessors in the same family" means in relation to a landholder or a cottar the wife or husband of such landholder or cottar and any person to whom such landholder or cottar, or the wife or husband of such landholder or cottar might, failing nearer heirs, have succeeded in case of intestacy. Meaning of "predecessors in the same family."

10.—(1) The Land Court shall on the application of the Department, the landlord or the landholder make a record specifying the condition of the cultivation of the holding and of the buildings and other permanent improvements thereon, and by whom such permanent improvements have been executed or paid for. Record of holding

(2) Any application under this section shall be intimated by the Land Court to the other parties concerned and each party shall be given an opportunity of being heard upon any matter affecting the record of the holding.

11. Where a landholder has given notice of renunciation of his tenancy, and such notice has become effective in terms of section seven of the Act of 1886, as amended by section eighteen of the Act of 1911, it shall be competent for the Land Court, on the joint application of the landholder and the landlord or, where the landholder's rights to compensation for permanent improvements have been transferred in whole or in part to the Department under section eight of the Act of 1911, on the joint application of the Department and the landlord, to assess, prior to the renunciation, the amount which will become due by the landlord, on renunciation, in respect of compensation for permanent improvements under section eight of the Act of 1886, and the amount so assessed shall, on renunciation, become due accordingly. Assessment of compensation for improvements prior to renunciation.

PART I. —*cont.*

Amendment of ss. 8 and 9 of Act of 1886.

12. Nothing in paragraph (*c*) of the proviso to section eight or to section nine of the Act of 1886 shall be deemed to exclude a claim for compensation under either of the said sections for an improvement executed in virtue of a specific agreement in writing unless the landholder or cottar has received, by way of reduction of rent or otherwise, fair consideration for the improvement.

Compensation on resumption of statutory small tenant's holding. 13 & 14 Geo. 5. c. 10.

13. Where, in pursuance of subsection (15) of section thirty-two of the Act of 1911, the Land Court authorise the resumption in whole or in part of the holding of a statutory small tenant, such tenant shall be entitled, in addition to the compensation specified in the said subsection, to the like compensation for disturbance as would be payable under the Agricultural Holdings (Scotland) Act, 1923, to a tenant to whom notice to quit, or notice of intention to resume part of the holding, as the case may be, is given.

Option to statutory small tenant to become landholder.

14. In the Landholders' Acts the word "holding" shall, in addition to the holdings mentioned in section two of the Act of 1911, include as from the date hereinafter mentioned every holding which at the commencement of this Act is held by a statutory small tenant and the word "landholder" shall be construed accordingly:

Provided that this section shall not apply in the case of any statutory small tenancy unless, not later than one month prior to the expiry of the period of tenancy current at the commencement of this Act or of any subsequent period of tenancy, the tenant serves on the landlord of the holding written notice that he desires that this section shall apply, and the date hereinbefore referred to shall be the expiry of the period of tenancy current when such notice was served:

Provided further that, if within one month after the service on a landlord of such a notice as aforesaid the landlord lodges with the Land Court an undertaking in writing that the tenant shall have the same rights to compensation for permanent improvements as if he were a landholder, the Land Court shall, after intimation to the tenant, direct such undertaking to be recorded in the Landholders Holdings Book, and the undertaking shall be recorded accordingly, and thereupon the tenant shall be deemed as regards the rights aforesaid but in no other respect to be a landholder.

PART I. —*cont.*

15. The Department shall have as regards dwelling-houses or other buildings the like power to provide assistance to landholders by way of gift as they have under subsection (7) of section seven of the Act of 1911 as regards execution of other works, and accordingly the said subsection shall have effect as if the words "except as regards dwelling-houses or other buildings" were omitted therefrom. Amendment of s. 7 (7) of Act of 1911.

16.—(1) The subsection which is by section nine of the Act of 1919 directed to be substituted for subsection (9) of section seven of the Act of 1911 (which requires notice of intention to prepare a scheme to be given to the landlord of land to be comprised therein), shall be amended by the substitution in paragraph (*a*) of the proviso of the words "twelve months" for the words "six months." Amendments of s. 7 of Act of 1911.

(2) A person shall not be entitled to compensation under the subsection which is by section nine of the Act of 1919 directed to be substituted for subsection (11) of section seven of the Act of 1911, unless he intimates a claim therefor within twenty-eight days after the notification to him under the first mentioned subsection of the order confirming the scheme or unless the Land Court shall be of opinion that his failure to do so was in the circumstances due to reasonable cause.

17. Section eleven of the Act of 1911 shall apply to buildings or other premises erected on a holding by or for a landholder whether a new holder or not, and the said section shall have effect as if the word "landholder" were substituted for the words "new holder": Amendment of s. 11 of Act of 1911.

Provided that, where any such buildings or premises were erected prior to the date when the rent payable at the commencement of this Act was fixed by the Land Court or agreed on by the parties, this section shall not operate to transfer from the landlord to the landholder any duty or liability until the arrival of the first term after the commencement of this Act as from which the rent payable can be altered by agreement or by the Land Court.

18. The following words shall be added at the end of paragraph (4) of section thirty-two of the Act of 1911, "unless he himself shall have given written Amendment of s. 32 (4) of Act of 1911.

PART I. —*cont.*

" notice to the landlord that he is to terminate his " tenancy."

Amendment of s. 10 of Act of 1919.

19. Section ten of the Act of 1919, which relates to the erection of fences, shall be amended by the omission of the words from " as may be necessary " to " in the scheme," and by the substitution therefor of the words " as the usual and reasonable practice of " agriculture and estate management may require in " the conditions."

Amendment of s. 16 of Act of 1919.

20. The power conferred on the Department by section sixteen of the Act of 1919 to make or guarantee advances to land banks and to the societies therein mentioned shall include power to make or guarantee advances to associations approved by the Department having for their object or one of their objects the taking over and management of sheep stocks on common grazings.

Land within burghs.

21. Section fifteen of the Act of 1919 and for the purposes of subsection (4) of section twenty-six of the Act of 1911, paragraph (*c*) of subsection (3) of that section shall be read and construed as if the words " or police " were substituted for the words " police or municipal."

Renunciation of tenancies.

22. Notwithstanding anything contained in section seven of the Act of 1886 and section eighteen of the Act of 1911 a new holder or his statutory successor shall not be entitled otherwise than by agreement to renounce his tenancy except at a term of Whitsunday if the holder's entry was at Whitsunday or at a term of Martinmas if his entry was at Martinmas.

Killing and taking of ground game on common grazing. 43 & 44 Vict c. 47.

23.—(1) Notwithstanding anything contained in the Ground Game Act, 1880, it shall be lawful for the landholders interested in a common grazing or in a part of a common grazing which has been apportioned under subsection (5) of section twenty-four of the Act of 1911—

(i) to appoint not more than two of their number; and

(ii) to authorise in writing one person bona fide employed by them for reward;

to kill and take ground game on the common grazing or the part thereof, as the case may be.

PART I. —*cont.*

(2) For the purposes of the Ground Game Act, 1880, any person appointed in pursuance of the foregoing subsection shall be deemed to be the occupier of the common grazing or the part thereof, as the case may be, provided that he shall not have the right to authorise any other person to kill and take ground game, and any person authorised in pursuance of the foregoing subsection shall be deemed to have been authorised by the occupier of the common grazing or the part thereof, as the case may be, to kill and take ground game with firearms or otherwise.

Repeal of s. 14 of 49 & 50 Vict c. 29.

24. Section fourteen of the Act of 1886, which makes provision for deduction from rent in certain cases, shall cease to have effect.

Avoidance of agreement inconsistent with the Landholders Acts.

25. Any contract or agreement made by a landholder by virtue of which he is deprived of any right conferred on him by any provision of the Landholders Acts shall to that extent be void unless the contract or agreement is approved by the Land Court.

Construction.

26.—(1) In this Part of this Act—

"the Act of 1886" means the Crofters Holdings (Scotland) Act, 1886; 49 & 50 Vict. c. 29.

"the Act of 1911" means the Small Landholders (Scotland) Act, 1911; 1 & 2 Geo. 5. c. 49.

"the Act of 1919" means the Land Settlement (Scotland) Act, 1919; 9 & 10 Geo. 5. c. 97.

"the Landholders Acts" means the Small Landholders (Scotland) Acts, 1886 to 1919, and this Part of this Act.

(2) This Part of this Act shall be construed as one with the Small Landholders (Scotland) Acts, 1886 to 1919.

PART II.

AMENDMENT OF AGRICULTURAL HOLDINGS (SCOTLAND) ACTS.

Amendment of principal Act as to compensation for improvements.

27. The First Schedule to this Act shall be substituted for the First Schedule to the Agricultural Holdings (Scotland) Act, 1923, hereafter in this Act referred to as the principal Act.

PART II. —*cont.*

Amendment of s. 3 of principal Act.

28.—(1) Subsection (1) of section three of the principal Act (which subsection requires notice to be given to the landlord as to certain improvements) shall be amended by the substitution of six months for three months and of three months for two months.

(2) Where the landlord of a holding to whom notice has been given by the tenant under subsection (1) of section three of the principal Act of intention to execute an improvement, gives notice to the tenant within one month after receiving the aforesaid notice that he objects to the making of the improvement or to the manner in which the tenant proposes to do the intended work, the matter may be referred on the application of either party to the Department who shall determine the same, and in any case where the landlord has so given notice of objection compensation shall not be payable in respect of the improvement unless the Department are satisfied that it ought to be carried out, and where the Department prescribe the manner in which it shall be carried out, unless it is carried out in accordance therewith.

Compensation in respect of temporary pasture.

29. Where the tenant of a holding claims compensation in respect of temporary pasture laid down in accordance with paragraph (29) of Part III of the First Schedule to this Act, and the laying down or the leaving at the termination of the tenancy of such pasture is in contravention of the provisions of the lease or of any agreement made by the tenant respecting the method of cropping the arable lands, the tenant shall be entitled to compensation notwithstanding any such contravention but in ascertaining the amount thereof the arbiter shall take into consideration any injury to or deterioration of the holding due to such contravention except in so far as the landlord shall have recovered damages in respect of such injury or deterioration.

Amendment of s. 10 of principal Act.

30. Section ten of the principal Act shall in its application to any case where the lease has been entered into after the commencement of this Act have effect as if the following subsection were added thereto :—

"(2) This section shall not apply unless a record of the condition of the holding has been made under this Act or in respect of any matter arising before the date of the record so made."

PART II. —*cont.*

Amendment of s. 12 of principal Act.

31. Paragraph (*b*) of subsection (7) of section twelve of the principal Act (which section relates to compensation for disturbance) shall cease to have effect as regards tenancies terminating more than one month after the commencement of this Act.

Amendment of principal Act as to matters referred to arbitration.

32. The following provision shall be substituted for subsection (1) of section fifteen of the principal Act (which relates to matters to be referred to arbitration):—

"(1) Any question or difference between the landlord and the tenant of a holding arising out of any claim by the tenant against the landlord for compensation under this Act or any Act by this Act repealed, or out of any claim by either party against the other for breach of contract or otherwise in respect of the holding or out of any claim by the landlord against the tenant for waste wrongly committed or permitted by the tenant, or as to the construction of the lease, and any other question or difference of any kind whatsoever between the landlord and the tenant arising out of the tenancy or in connection with the holding (not being a question or difference as to liability for rent) shall, whether such question or difference arises during the currency or on the termination of the tenancy, be determined by arbitration."

Amendment of principal Act as to arbiters.

33. Subsection (1) of section seventeen of the principal Act (which relates to the constitution of a panel of arbiters) shall be amended by the addition of the words "after consultation with the Board" after the words "Lord President of the Court of Session."

Determination of questions by Land Court in lieu of arbitration.

34. Any question of difference between the landlord and the tenant of a holding which, under the principal Act or this Act, or under the lease is referred to arbitration may, if the landlord and the tenant so agree, in lieu of being determined in pursuance of subsection (1) of section sixteen of the principal Act, be determined by the Land Court, and the Land Court shall, on the joint application of the landlord and the tenant, determine such question or difference accordingly.

Determination of matters relating to holdings

35.—(1) Where under any section of the principal Act or of this Act any matter is referred to the decision of the Department, such section shall in its application

PART II. —*cont.* belonging to Department.

to a holding of which the Department are themselves the landlord have effect as if there were substituted for the Department, in the case of a holding which does not exceed fifty acres, or the rent of which does not exceed fifty pounds, the Land Court and, in the case of any other holding, an arbiter, and any provision in any such section for an appeal to an arbiter from the decision of the Department shall not apply.

(2) The provisions of the principal Act as amended by this Act shall apply to any arbitration in pursuance of the foregoing subsection or with regard to a holding of which the Department are themselves the landlord, with the substitution of the sheriff for the Department.

Application of Small Landholders Acts to questions referred to Land Court under this Act.

36. Where under this Act any question or difference is required to be determined by the Land Court, the provisions of the Small Landholders (Scotland) Acts, 1886 to 1919, with regard to the Land Court, shall with any necessary modifications apply for the purposes of such determination, in like manner as they apply for the purpose of the determination by the Land Court of matters referred to them under the last mentioned Acts.

Provision for case where part of holding resumed without notice.

37. Where a landlord of a holding, in pursuance of a provision in that behalf contained in the lease, resumes possession of any part of the holding without giving notice of his intention so to do, the provisions of paragraphs (*b*) and (*c*) (exclusive of the proviso thereto) of section thirty of the principal Act shall apply in like manner as if notice to quit had been given under the said section with regard to the part of the holding so resumed, provided that in assessing the compensation payable to the tenant, and the reduction of rent, any benefit or relief allowed to the tenant under the lease in respect of the resumption shall be taken into consideration.

Application of sums recovered under fire insurance policy.

38. Where the tenant of a holding is liable in payment of the whole or any part of the premium due under a fire insurance policy in the name of the landlord over any buildings or other subjects included in the lease of the holding and the landlord recovers any sum under such policy in respect of the destruction of, or damage to, the buildings or other subjects by fire, he shall be bound, unless the tenant otherwise agrees, to expend such sum on the rebuilding, repair, or restoration of the

PART II. —*cont.*

buildings or subjects so destroyed or damaged in such manner as may be agreed or as may be determined, failing agreement, by the Department.

Amendment of Second Schedule to principal Act.

39.—(1) The following paragraph shall be substituted for paragraph 5 of the Second Schedule to the principal Act :—

"5. The arbiter shall make and sign his award within two months of his appointment or within such longer period as may, either before or after the expiry of the aforesaid period be agreed to in writing by the parties, or be fixed by the Board."

(2) The following paragraph shall be added after paragraph fifteen of the Second Schedule to the principal Act :—

"15A. It shall not be lawful to include in the expenses of and incidental to the arbitration and award, or to charge against any of the parties, any sum payable in respect of remuneration or expenses to any person appointed by the arbiter to act as clerk or otherwise to assist him in the arbitration unless such appointment was made after submission of the claim and answers to the arbiter and with either the consent of the parties to the arbitration or the sanction of the sheriff."

Improvements executed prior to commencement of this Act.

40. Notwithstanding anything in the foregoing provisions of this Act, the compensation in respect of an improvement made or begun before the commencement of this Act shall be such (if any) as could have been claimed if this Act had not passed.

PART III.

Citation.

41.—(1) This Act may be cited as the Small Landholders and Agricultural Holdings (Scotland) Act, 1931, and the Small Landholders Acts, 1886 to 1919, and Part I of this Act may be cited together as the Small Landholders (Scotland) Acts, 1886 to 1931, and the Agricultural Holdings (Scotland) Acts, 1923, and Part II of this Act may be cited as the Agricultural Holdings (Scotland) Acts, 1923 and 1931.

(2) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULES.

Sections 27 and 29.

FIRST SCHEDULE.

PART I.

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD IS REQUIRED.

(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.

[N.B.—This part is subject as to market gardens to the provisions of the Third Schedule.]

PART II.

IMPROVEMENTS IN RESPECT OF WHICH NOTICE TO LANDLORD IS REQUIRED.

(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 works for the application of water power or for the supply of water for agricultural or domestic purposes.

(14) Making or removal of permanent fences.

(15) Reclaiming of waste land.

(16) Repairing or renewal of embankments and sluices against floods.

(17) Provision of sheep dipping accommodation.

(18) The provision of electrical equipment other than moveable fittings and appliances.

Part III.

1st Sch. —*cont.*

Improvements in respect of which Consent of or Notice to Landlord is not required.

(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) The eradication of bracken, whins, or gorse growing on a farm at the commencement of a tenancy and in the case of arable land the removal of tree roots, boulders, stones or other like obstacles to cultivation.

(26) Application to land of purchased artificial or other purchased manure.

(27) Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn, cake, or other feeding stuff not produced on the holding.

(28) Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn proved by satisfactory evidence to have been produced and consumed on the holding.

(29) Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than two years prior to the termination of the tenancy, in so far as the value of the temporary pasture on the holding at the time of quitting exceeds the value of the temporary pasture on the holding at the commencement of the tenancy for which the tenant did not pay compensation.

(30) Repairs to buildings, being buildings necessary for the proper cultivation or working of the holding, other than repairs which the tenant is himself under an obligation to execute:

Provided that the tenant, before beginning to execute any such repairs, shall give to the landlord notice in writing of his intention, together with particulars of such repairs, and shall not execute the repairs unless the landlord fails to execute them within a reasonable time after receiving such notice.

Section 41.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
49 & 50 Vict. c. 29.	The Crofters Holdings (Scotland) Act, 1886.	Section fourteen.
1 & 2 Geo. 5. c. 49.	The Small Landholders (Scotland) Act, 1911.	In subsection (7) of section seven the words "(except as "regards dwelling-houses or "other buildings)." In section seventeen the words from "if the Land Court" to "may prescribe." In section nineteen the words from "the feuing" to "estate or" and the word "respectively."
13 & 14 Geo. 5. c. 10.	The Agricultural Holdings (Scotland) Act, 1923.	Subsection (1) of section fifteen. The First Schedule. Paragraph 5 of the Second Schedule.

CHAPTER 45.

An Act to amend the law relating to the offices of clerk of the county council and clerk of the peace of counties and to persons holding those offices, and for purposes connected with the matters aforesaid. [31st July 1931.]

BE it enacted by the King'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:—

The Offices of Clerk of the County Council and Clerk of the Peace.

Offices of clerk of county

1. Subject to the provisions of this Act, the office of clerk of the county council and the office of clerk