

Small Landholdings Landownership & Registration

Research Summary



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1. INTRODUCTION

1.1 The aim of this research project was to provide an insight and narrative into how small landholdings [SLHs] were established and how their ownership has changed over time, as recommended by the 2017 Review.¹ Specifically, the study aimed to:

- Show how landownership relating to small landholdings has changed over the last 100 or so years (1911 to the present).
- Identify the potential to (re)establish a register for small landholdings.²

1.2. As such, the research objectives for this project were:

- To identify how landownership relating to small landholdings has changed over the last 100 or so years, recording changes to status or tenure type, particularly where no record has been made.
- To identify what (and how much) compensation, in its various forms, was originally paid to landlords and large estates.
- To identify the potential to (re)establish a new administrative register for small landholdings.

1.3. The research team constituted an academic historian with expertise in landownership in the nineteenth and twentieth centuries, a land law academic, who worked on a consultative basis and a research assistant who undertook most of the archival work which underpins this report.

2. METHODOLOGY

2.1. In order to construct a narrative of how small landholding schemes were established and the ways in which their ownership changed over time, the team undertook a detailed archival search of schemes from 1911 onwards. The archives were predominantly those of the Board of Agriculture for Scotland [BoAS], the Scottish Land Court [SLC] and other government agencies, along with some relevant private estates archives.

2.2. A great deal of archival material survives, documenting in some detail the establishment of schemes both pre-WWI and post-WWI. Given the time constraints on the project, seven case studies offering a chronological and geographical spread were selected. The case study schemes were:

Pre-1914 schemes:

- Kinninghall, Hawick (October 1912)
- Crossbankhead, Dumfriesshire (September 1912)
- Bennicarrigan, Arran (October 1912)
- Shedog, Kilmory, Arran (December 1913)

1 Review of Legislation Governing Small Landholdings in Scotland, March 2017: <https://www.gov.scot/Publications/2017/03/4234>

2 2017 Review, pp. 35, 37-8.

Post-1918 schemes:

- Grassmillees, Ayrshire (March 1920)
- Springbank, Arran (December 1920)
- Drimaghinier, Arran (February 1927)

2.3. Overall, the scale of the archival record reduces dramatically from the late 1920s, with only patchy records for each scheme from that date, normally recording any disputes or resignations of tenancies - although these are not systematically recorded either. The latest archival material is clumped around the late 1930s, with a very small amount in the 1960s, though this is not linear or complete.

3. FINDINGS

3.1. What information is available for inclusion? How does this relate to (re)establishing a register?

A wide variety of information is available for inclusion into a register, including:

- Reports, memoranda and correspondence between stakeholders involved in the establishment, financing and management of small landholding schemes.
- Mapping and surveying records of schemes, including those that were not proceeded with.
- Correspondence from and other documentation relating to the original small landholders, their finances, eligibility, and on-going management of their small landholdings.
- Duplicate records of court proceedings (Scottish Land Court; Court of Session) and correspondence from legal firms relating to negotiations over the establishment of schemes.
- The annual reports and papers of the main government agencies, the BoAS and SLC.
- Contemporary commentary and reporting on individual cases and the overall workings of the legislation and changes to it in the newspaper press.
- Records from private landed estates relating to the establishment and management of small landholding schemes, mainly consisting of correspondence, mapping, reporting and financial records.

3.2. How has landownership relating to small landholdings changed over the last century in the relation to the recording of changes to status or tenure type, particularly where no record has ever been made?

For the reasons noted above, tracking changes that occurred to the ownership and tenure arrangements for individual SLHs after the late 1920s is not possible based on the limited archives of government agencies such as the BoAS or SLC. As the BoAS always stressed, all continuing responsibilities related to SLHs after schemes were established were left to the existing private landowners on whose land schemes were established. As such, to answer this question in full, for each scheme, the landowner must first be identified, and any changes or sales investigated, and any archives created by those estates referred to.

Overall, we know that the number of SLHs has declined dramatically since the late 1930s. With few available records, it is likely that in many cases, as SLH tenants renounced leases or died and the landowner was unable (or perhaps unwilling) to replace them with another SLH tenant, the units moved into different tenancy arrangements.

3.3. What and how much compensation in its various forms was originally paid to landlords and large estates?

As the extant archival records are richest at the point of establishment of each scheme, enumerating the amount of compensation paid to landowners or sitting tenants is straightforward. Compensation could be granted for (1) loss of rent, (2) loss of selling value [up to 1919], and (3) buildings and equipment/facilities such as water supplies, new roads etc.

Compensation was rarely the most expensive aspect of a scheme. This was the grants and loans provided by the BoAS to the new small landholders for buildings, facilities such as water or roads, and equipment. The 2017 Review noted that a re-introduction of 'BoAS-style loans' might be one option for improving the financial situation of current SLHs. The archive demonstrates some of the advantages and disadvantages of this approach.³

3 2017 Review, p. 23.

3.4. **Can a register be (re)established?**

Yes, it can, but with the following caveats:

- The researchers looked to see if there were enough records to (re)establish a small landholdings register detailing the current situation. While there is a lot of accessible archival material, gaps in the records on either ownership or tenure terms, from 1940 to today – when many changes will have occurred – will result in an incomplete 2019 register. This is partly due to landed estates or government agencies having no incentive to maintain archives in any great detail after schemes were established.
- Information relating to the later histories and changes in tenancy and ownership arrangements for the schemes will need to be tracked through the available papers of the estates the schemes are situated on. The survival of, or access to, these materials is not guaranteed.
- Further information might also be gathered via existing small landholders, their records or oral knowledge of their landholdings, but again this cannot be guaranteed.

3.5 **How much time/resource would it take to (re)establish a register?**

The project team concludes that a small team of one lead academic, supported by a 12 month postdoctoral assistant and a PhD student (three years) would be the most efficient way to (re)establish a register. The resource cost would be approximately £75,000 over three years (or approximately £25,000 per year for three years) for the PhD and approximately £45,000 for 12 months (pro-rata) of a postdoctoral researcher, plus travel/research expenses costs.

In total, a resource of approximately £130,000 for staff costs would be realistic.

Although not asked for in the project brief, one option might be to undertake a follow-on project to pilot the (re)establishment of a register by undertaking a mini-exercise for one of the case study schemes presented here, to try and establish an end-to-end history, plus a register, to act as a template. We have already identified one case where the current occupier's surname is the same as the family who were involved at its launch.



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