



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

AGRICULTURAL HOLDINGS (SCOTLAND) ACT 2003

PART 1

AGRICULTURAL TENANCIES

CHAPTER 1

TYPES OF TENANCY

Tenancies under the 1991 Act

- 1 Application of the 1991 Act to agricultural holdings
- 2 Conversion from 1991 Act tenancy to limited duration tenancy
- 2A Conversion from 1991 Act tenancy to modern limited duration tenancy
- 2B Conversion from limited duration tenancy to modern limited duration tenancy

Leases for grazing or mowing

- 3 Leases for grazing or mowing

New types of tenancy

- 4 Short limited duration tenancies
- 5 Limited duration tenancies
- 5A Modern limited duration tenancies
- 5B Modern limited duration tenancies: break clauses
- 5C Repairing tenancies: creation
- 5D Repairing tenancies: exemption from rules of good husbandry during repairing period

CHAPTER 2

GENERAL PROVISION AS TO NEW TYPES OF TENANCY

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New types of tenancy: general provision

- 6 Assignment, subletting and termination of short limited duration tenancies
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- 7A Subletting of modern limited duration tenancies
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- 8 Continuation and termination of limited duration tenancies
- 8A Termination of modern limited duration tenancies by agreement
- 8B Termination of modern limited duration tenancies by landlord
- 8C Termination of modern limited duration tenancies by tenant
- 8D Termination of modern limited duration tenancies subject to break clause
- 8E Continuation and extension of modern limited duration tenancies
- 9 Review of rent under limited duration tenancies, modern limited duration tenancies and repairing tenancies
- 9A Form and content of rent review notice
- 9B Determination of rent
- 9C Review of rent under limited duration tenancies, modern limited duration tenancies and repairing tenancies: surplus residential accommodation
- 10 Increase in rent: landlord's improvements
- 10A Landlord improvement notices
- 10B Objection by tenant
- 10C Referral to Land Court
- 10D Notice of dates of improvement
- 10E Improvement by landlord without notice etc.
- 10F Emergency improvements
- 11 Variation of rent by Land Court
- 12 Right of tenant to withhold rent
- 13 Written leases and the revision of certain leases
- 14 Freedom of cropping and disposal of produce
- 15 Permanent pasture
- 16 Fixed equipment etc.
- 16A Modern limited duration tenancies: fixed equipment etc.
- 17 Resumption of land by landlord
- 18 Irritancy of lease and good husbandry
- 18A Irritancy of lease and good husbandry: modern limited duration tenancies
- 19 Resumption and irritancy: supplementary

Succession to short limited duration tenancies and limited duration tenancies

- 20 Section 16 of the Succession (Scotland) Act 1964
- 21 Bequest of lease
- 22 Right of landlord to object to acquirer of tenancy
- 23 Effect of termination of tenancy where tenant deceased

PART 2

TENANT'S RIGHT TO BUY LAND

Registration of interest and the right to buy

- 24 The Keeper and the Register

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- 25 Registration of tenant's interest
- 26 Notice of proposal to transfer land
- 27 Transfers not requiring notice
- 28 Right to buy
- 29 Exercise of right to buy
- 30 Meaning of "creditor in a standard security with a right to sell land"
- 31 Effect of extinguishing of right to buy

Procedure for buying and valuation

- 32 Procedure for buying
- 33 Appointment of valuer
- 34 Valuation of the land
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- 36 Valuation etc.: further provision
- 37 Appeal to Lands Tribunal against valuation
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PART 2A

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- 38A Application to Land Court for order for sale
- 38B Order for sale
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- 38D Effect of order for sale: suspension of rights
- 38E Tenant's right to buy

Procedure for buying and valuation

- 38F Procedure for buying
- 38G Appointment of valuer and valuation of the land
- 38H Failure of seller to complete transaction
- 38I Failure of tenant to complete transaction
- 38J Completion of sale to tenant
- 38K Effect of extinguishing of right to buy

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- 38L Sale to third party
- 38M Procedure for sale to third party

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- 38N Restriction on notice to quit etc. where sale to third party
- 38O Payment to former landlord where early resale
- 38P Compensation

PART 3

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- 40A Landlord's objection: application to Land Court

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- 41 Imposition of conditions by Land Court
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- 43 Agreements as to compensation for improvements
- 44 Amount of compensation where grant made to tenant

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- 45 Right to compensation for improvements
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- 46 Payment of compensation by incoming tenant
- 47 Amount of compensation
- 48 Consent required for compensation in certain cases
- 49 Notice required for certain improvements

CHAPTER 2

COMPENSATION FOR DISTURBANCE AND DIVERSIFICATION ETC.

1991 Act tenancies

- 50 Compensation for disturbance and for damage by game
- 51 Compensation arising as a result of diversification etc.

New types of tenancy

- 52 Compensation for disturbance
- 53 Compensation for other particular things

CHAPTER 3

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- 54 Compensation where compulsory acquisition of land

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- 58 Compensation not payable where direction as to permanent pasture
- 59 Extent to which compensation recoverable under agreements
- 59A Compensation under repairing tenancies

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- 61 Making of records
- 62 Interdict in certain cases
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- 73 Termination of tenancy continued under section 72
- 74 Application of right to buy provisions
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- 76 Arbitrations etc.

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- 77 Resolution of disputes by Land Court
- 78 Agreement to refer matters to arbitration
- 79 Arbitration: procedure etc.
- 80 Other provisions as to the resolution of disputes
- 81 Clauses in leases as to resolution of disputes

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- 83 Power to amend Land Court's jurisdiction
- 84 Power of Land Court to grant remedies etc.
- 85 Remit from Land Court to sheriff or Court of Session
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- 87 Transmission of case where contingency
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- 90 Conduct of arbiter and setting aside of arbiter's award

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PART 8

GENERAL PROVISIONS

- 91 Orders and regulations
- 92 Ancillary provision
- 93 Interpretation
- 94 Amendments to enactments
- 95 Short title, Crown application and commencement

SCHEDULE — Amendments to enactments

- 1 After section 37 (notice of termination of tenancy) of the...
- 2 (1) In section 16 (provisions relating to leases) of the...
- 3 In paragraph 5 of Schedule 1 to the Conveyancing and...
- 4 In section 8 (which makes provision concerning property let under...
- 5 In section 13 (transfer of tenancy) of the Matrimonial Homes...
- 6 In section 25(1) (interpretation) of the Rent (Scotland) Act 1984,...
- 7 In section 7 (interpretation of sections 4 to 6) of...
- 8 Agriculture Act 1986 (c. 49)
- 9 In section 16 (rent arbitrations: milk quotas), after subsection (2)...
- 10 (1) In paragraph 7(2) of Schedule 2 (tenants' compensation for...
- 11 The 1991 Act
- 12 In section 4 (written leases and the revision of certain...
- 13 In section 5 (fixed equipment and insurance premiums), subsection (5)...
- 14 In section 9 (arbitration as to permanent pasture)—
- 15 In section 13 (variation of rent)— (a) in subsection (1)—...
- 16 For section 14 (arbitrations under sections 4 and 5) substitute—...
- 17 In section 15 (increase of rent for certain improvements by...
- 18 In section 19 (payments for implements, etc., sold on quitting),...
- 19 In section 20 (removal of tenant for non-payment of rent)—...
- 20 In section 21 (notice to quit and notice of intention...
- 21 In section 23 (consent by Land Court or arbitration on...
- 22 In section 31 (reduction of rent where tenant dispossessed of...
- 23 In section 32 (further restrictions on operation of certain notices...
- 24 In section 34(6) (right to compensation for improvements), for the...
- 25 In section 36(4) (amount of compensation), for the word “arbitrator”...
- 26 In section 37(1) (consent necessary for some improvements), the words...
- 27 In section 41 (direction by Land Court that holding be...
- 28 In section 43 (compensation for disturbance)— (a) in subsection (3),...
- 29 In section 46 (compensation for failure to repair or maintain...
- 30 In section 49 (compensation provisions to apply to parts of...
- 31 In section 50 (determination of claims for compensation where holding...
- 32 In section 52 (compensation for damage by game), for the...
- 33 In section 55 (provisions supplementary to section 54), in subsection...
- 34 In section 62 (claims on termination of tenancy)—
- 35 Sections 63 and 64 are repealed.
- 36 In section 66 (power to enable demand to remedy breach...
- 37 In section 68 (sheep stock valuation)— (a) in subsection (1)—...
- 38 Sections 69 and 70 are repealed.

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- 39 In section 71 (statement of sales of stock), after the...
- 40 In section 72 (interpretation of sections 68 to 71), paragraphs...
- 41 In section 80 (determination of matters where the Scottish Ministers...
- 42 In section 85 (interpretation), at the appropriate place there is...
- 43 In section 86 (construction of certain references), for the words...
- 44 Schedule 7 is repealed.
- 45 In Schedule 8 (supplementary provisions with respect to payments under...
- 46 In Schedule 9 (valuation of sheep stock in respect of...
- 47 In Schedule 10 (valuation of sheep stock in respect of...
- 48 In Schedule 1 to the Tribunals and Inquiries Act 1992,...
- 49 In the Crofters (Scotland) Act 1993— (a) in section 29...
- 50 In section 106 (contracting out of prisons) of the Criminal...
- 51 In section 35 (notice etc. of applications to owners and...
- 52 In section 149 (contracting out of certain detention centres) of...

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Changes and effects yet to be applied to :

- s. 26 cross-heading inserted by 2016 asp 18 s. 99(3)
- s. 2425 repealed by 2016 asp 18 s. 99(2)
- s. 26(2) words substituted by 2016 asp 18 s. 99(4)(b)
- s. 27(1)(g)(v) repealed by 2016 asp 18 s. 99(5)
- s. 28(1) words repealed by 2016 asp 18 s. 99(6)(a)(i)
- s. 28(1)(a) words substituted by 2016 asp 18 s. 99(6)(a)(ii)
- s. 28(3)(a) word inserted by 2016 asp 18 s. 99(6)(b)(i)
- s. 28(3)(c) and word repealed by 2016 asp 18 s. 99(6)(b)(ii)
- s. 29(7) repealed by 2016 asp 18 s. 99(7)
- s. 32(6)(b) words repealed by 2016 asp 18 Sch. 2 para. 10(2)
- s. 54(6)(b) words substituted by 2016 asp 18 Sch. 2 para. 12(2)(a)
- s. 54(6)(b) words substituted by 2016 asp 18 Sch. 2 para. 12(2)(b)
- s. 55(4) words inserted by 2016 asp 18 s. 111(3)
- s. 63 repealed by 2016 asp 18 Sch. 2 para. 12(3)
- s. 84(2) words repealed by 2016 asp 18 Sch. 2 para. 10(3)
- Sch. para. 15 repealed by 2016 asp 18 Sch. 2 para. 12(4)
- sch. para. 8-10 repealed by S.S.I. 2018/391 sch. Pt. 1

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7C inserted by 2016 asp 18 s. 93(2)
- s. 7D inserted by 2016 asp 18 s. 106(2)
- s. 8F8G inserted by 2016 asp 18 s. 94(2)
- s. 16B inserted by 2016 asp 18 s. 95(2)
- s. 17A inserted by 2016 asp 18 s. 96(2)
- s. 18B inserted by 2016 asp 18 s. 97(2)
- s. 26(1)(1A) substituted for s. 26(1) by 2016 asp 18 s. 99(4)(a)
- s. 26(3) inserted by 2016 asp 18 s. 99(4)(c)