



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### [<sup>F1</sup>PART 2A

#### SALE WHERE LANDLORD IN BREACH

##### *Procedure for buying and valuation*

#### [<sup>F1</sup>38G Appointment of valuer and valuation of the land

- (1) The provisions mentioned in subsection (2) apply to a sale implementing a tenant's right to buy by virtue of an order for sale as they apply to a sale implementing a tenant's right to buy under section 28, subject to the modifications mentioned in that subsection.
- (2) Those provisions are—
  - (a) section 33 (appointment of valuer), subject to the modifications that—
    - (i) in subsection (2), the reference to section 29(2) or (4) is to be read as a reference to section 38E(3),
    - (ii) subsection (5) does not apply,
  - (b) section 34 (valuation of land), subject to the modifications that—
    - (i) in subsection (1), the reference to the date of notice under section 26 of the seller's proposal to transfer the land is to be read as a reference to the date of notice under section 38E(3),
    - (ii) in subsection (8), the reference to section 32(2)(b)(i) is to be read as a reference to section 38F(2)(b)(i),
  - (c) section 35 (special provision where buyer is general partner in limited partnership), subject to the modification that the reference to section 28 is to be read as a reference to section 38E,
  - (d) section 36 (further provision on valuation), subject to the modifications that—
    - (i) in subsection (6)(a), the reference to section 32(7) is to be read as a reference to section 38I(3),
    - (ii) the following subsection is to be inserted after subsection (6)—

“(6A) Where—

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**Changes to legislation:** *Agricultural Holdings (Scotland) Act 2003, Section 38G is up to date with all changes known to be in force on or before 13 February 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (a) the Land Court has made an order under section 38H(3),
  - (b) the seller to whom the order applies has complied with the order, and
  - (c) the tenant does not proceed with the purchase of the land from the seller,
- the tenant is liable to the seller for any expenses met by the seller by virtue of subsection (5).”
- (e) section 37 (appeal to the Lands Tribunal against valuation), subject to the modification that, in subsection (3)(b), the reference to section 32(2)(b)(ii) is to be read as a reference to section 38F(2)(b)(ii), and
  - (f) section 38 (referral of certain matters by the Lands Tribunal to the Land Court).]

**Annotations:**

**Amendments (Textual)**

- F1** Pt. 2A inserted (23.12.2016 for specified purposes) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), ss. **100(2)**, 130(1) (with s. 128); S.S.I. 2016/365, reg. 2, sch.

**Changes to legislation:**

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**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)