



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

[^{F1}PART 2A

SALE WHERE LANDLORD IN BREACH

Post-sale obligations

[^{F1}380 Payment to former landlord where early resale

- (1) This section applies where—
 - (a) a tenant or, as the case may be, a third party (the “original buyer”) buys land under an order for sale made in respect of the land, and
 - (b) the land is subsequently sold—
 - (i) before the end of the period of 10 years beginning with the date on which the original buyer acquired title to the land (the “original date”),
 - (ii) at a price higher than the price paid by the original buyer to the person from whom the land was bought (the “original seller”).
- (2) The original buyer must pay to the original seller a proportion of the difference between the price at which the land is subsequently sold and the price paid by the original buyer to the original seller.
- (3) The proportion of the difference which must be paid to the original seller is to be—
 - (a) 100 per cent where the subsequent sale occurs before the end of the period of 5 years beginning with the original date,
 - (b) 66 per cent where it occurs after the end of that period but before the end of the period of 8 years beginning with that date,
 - (c) 33 per cent where it occurs after the end of the period of 8 years beginning with that date.
- (4) The Scottish Ministers may by regulations make further provision about the payment that the original buyer must make to the original seller.
- (5) Regulations under subsection (4) may in particular include provision about—
 - (a) the exclusion, for the purposes of subsection (2), of so much of the price at which the land is subsequently sold as is attributable to an increase in the value

Changes to legislation: Agricultural Holdings (Scotland) Act 2003, Section 380 is up to date with all changes known to be in force on or before 25 May 2023. 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) View outstanding changes

- of the land resulting from such causes as may be specified in the regulations (which may include improvements of the kind mentioned in schedule 5 of the 1991 Act),
- (b) payment where part only of the land bought under the order for sale is subsequently sold within the period of 10 years mentioned in subsection (1) (b),
 - (c) the granting of standard securities over the land in relation to the liability to make a payment under this section (including the priority of such securities in relation to any other securities over the land),
 - (d) circumstances in which no liability to make a payment under this section arises.]

Textual Amendments

- 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:

Agricultural Holdings (Scotland) Act 2003, Section 38O is up to date with all changes known to be in force on or before 25 May 2023. 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.

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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\(4\)\(c\)](#)