



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### PART 4

#### COMPENSATION UNDER AGRICULTURAL TENANCIES

### CHAPTER 1

#### COMPENSATION FOR IMPROVEMENTS

#### *1991 Act tenancies*

#### **43 Agreements as to compensation for improvements**

(1) After section 33 (improvements) of the 1991 Act there is inserted—

#### **“33A Agreements as to compensation for improvements**

Where the tenant has carried out an improvement—

- (a) specified in Part II or III of Schedule 5 to this Act; and
- (b) by executing work which the landlord was required, at the time the lease was entered into and by virtue of section 5(2)(a) of this Act, to execute in order to fulfil his obligations under the lease,

any term of the lease or of an agreement between the landlord and tenant made before the coming into force of this section which purports to provide that the amount of compensation payable to the tenant for the improvement is less than the amount of compensation to which the tenant is entitled under this Part of this Act for the improvement (or that no compensation is payable) shall not apply in relation to such part or proportion of the improvement as the landlord would have been so required to carry out in order to fulfil those obligations.”.

(2) The following provisions of that Act (which relate to agreements as to compensation for improvements) are repealed—

- (a) in section 34, paragraph (b) of subsection (4);
- (b) in section 37, subsection (2); and

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**Status:** Point in time view as at 27/11/2003.

**Changes to legislation:** *Agricultural Holdings (Scotland) Act 2003, Section 43 is up to date with all changes known to be in force on or before 19 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)*

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(c) in section 38, subsection (5).

(3) In section 38 (notice required of certain improvements) of that Act, after subsection (2) there is inserted—

“(2A) Subsection (1) above shall not apply in the case of an improvement mentioned in subsection (1)(c) above if the improvement was carried out by executing work which the landlord was required, at the time the lease was entered into and by virtue of section 5(2)(a) of this Act, to execute in order to fulfil his obligations under the lease.”.

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**Commencement Information**

**II** S. 43 in force at 27.11.2003 by S.S.I. 2003/548, art. 2(d) (with Sch.)

**Status:**

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