



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 4

COMPENSATION UNDER AGRICULTURAL TENANCIES

CHAPTER 1

COMPENSATION FOR IMPROVEMENTS

[^{F1}New types of tenancy]

45 Right to compensation for improvements

- (1) Subject to sections 48 and 49, a tenant of a short limited duration tenancy [^{F1}, a limited duration tenancy or a modern limited duration tenancy] is entitled, on quitting the land on termination of the tenancy, to compensation from the landlord in respect of any improvement to which this subsection applies carried out by the tenant.
- (2) Subsection (1) applies to the improvements specified in Schedule 5 to the 1991 Act (that Schedule applying for the purposes of that subsection as it does for the purposes of that Act).
- (3) Where an improvement is the improvement specified in paragraph 32 (laying down of temporary pasture) of that Schedule, the tenant is entitled to compensation under subsection (1) even if—
 - (a) that improvement; or
 - (b) the leaving of temporary pasture at the termination of the tenancy, was in contravention of a term of the lease or any agreement made by the tenant as to the method of cropping the arable lands.
- (4) Where a tenant has remained in occupation of the land during two or more tenancies, the tenant is not deprived of any right to compensation under subsection (1) by reason only that the improvements were not carried out during the tenancy on the termination of which the tenant quits the land.

Changes to legislation: *Agricultural Holdings (Scotland) Act 2003, Section 45 is up to date with all changes known to be in force on or before 14 March 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)*

[^{F2}(5) Nothing in any order made under section 73 of the 1991 Act which varies the provisions of schedule 5 to that Act affects the right of a tenant of a short limited duration tenancy, a limited duration tenancy or a modern limited duration tenancy to claim, in respect of an improvement made or begun before the date on which such order comes into force, any compensation to which, but for the making of the order, the tenant would have been entitled.]

Annotations:

Amendments (Textual)

- F1** Words in s. 45(1) substituted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(16\)\(a\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch.
- F2** S. 45(5) inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(16\)\(b\)](#) (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with reg. 14)

Modifications etc. (not altering text)

- C1** S. 45 restricted (13.6.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), [ss. 115\(1\)](#), 130(1) (with s. 128); S.S.I. 2017/20, reg. 2, sch.

Commencement Information

- I1** S. 45 in force at 27.11.2003 by [S.S.I. 2003/548](#), [art. 2\(d\)](#) (with sch.)

Changes to legislation:

Agricultural Holdings (Scotland) Act 2003, Section 45 is up to date with all changes known to be in force on or before 14 March 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.

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)