



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 5

MISCELLANEOUS AMENDMENTS TO THE 1991 ACT

61 Making of records

- (1) In section 8 (record of condition, etc. of holding) of the 1991 Act—
- (a) for subsection (3) there is substituted—

“(3) A record under this section shall be made by a person to be appointed by agreement between the parties; but, in the absence of such agreement, the Scottish Ministers shall on the application of either party appoint a person to make the record.

(3A) The Scottish Ministers may charge such reasonable fee as they may determine for making an appointment under subsection (3) above.

(3B) The record shall be in such form as the parties agree or, in the absence of such agreement, as the recorder considers appropriate.”;
 - (b) in subsection (6), the words “, on the application of the landlord or tenant,” are repealed; and
 - (c) in each of subsections (8) and (9), for the word “the” in the second place where it appears there is substituted “ any ”.
- (2) In section 80 (determination of matters where the Scottish Ministers are landlord or tenant) of that Act—
- (a) in subsection (2), after “Act” insert “ (except section 8) ”; and
 - (b) after that subsection there is inserted—

“(3) Where this section applies, section 8 of this Act shall have effect—

 - (a) with the substitution for “Scottish Ministers” in subsection (3) of “sheriff”;
 - (b) as if subsection (3A) were omitted.”.

Changes to legislation: *Agricultural Holdings (Scotland) Act 2003, Section 61 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*

Commencement Information

II S. 61 in force at 27.11.2003 by [S.S.I. 2003/548](#), **art. 2(e)** (with [Sch.](#))

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