



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 7

JURISDICTION OF THE LAND COURT AND THE RESOLUTION OF DISPUTES

1991 Act tenancies

75 Jurisdiction of the Land Court

For section 60 (questions between landlord and tenant) of the 1991 Act there is substituted—

“60 Resolution of disputes by Land Court

- (1) The Land Court shall have jurisdiction to hear and determine any of the matters referred to in subsection (2) below.
- (2) Those matters are—
 - (a) whether a tenancy of an agricultural holding in relation to which this Act applies exists or has been terminated;
 - (b) any question or difference between the landlord and tenant of such a holding arising out of the tenancy or in connection with the holding, whether such question or difference arises during the currency of or on or after the termination of the tenancy;
 - (c) any claim by the landlord or tenant of such a holding against the other which arises, under this Act or under any rule of law, custom or agreement, on or out of the termination of the tenancy (or part thereof);
 - (d) any other issue of fact or law relating to—
 - (i) a tenancy of such a holding or any other type of agricultural tenancy; or
 - (ii) agriculture,which the landlord or tenant reasonably require to have resolved.
- (3) Such matters include, in particular (and without prejudice to the generality of subsection (2) above), any question or difference between the landlord and

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tenant arising in relation to Part 2 of the Agricultural Holdings (Scotland) Act 2003 (asp 11) except any question or difference of fact relating to the determination of the price payable by the tenant for the purposes of that Part of that Act.

- (4) Such matters do not include any question as to—
- (a) who is entitled to succeed to the estate of a deceased person on intestacy by virtue of the Succession (Scotland) Act 1964 (c. 41);
 - (b) the validity of—
 - (i) any bequest; or
 - (ii) any transfer,of an interest under the lease; or
 - (c) whether any such transfer is in the best interests of the estate of a deceased person.
- (5) The Land Court shall also have jurisdiction to hear and determine any question or difference, between the tenant and any person with whom he has in pursuance of section 10A(1) of this Act entered into a contract assigning his interest under the lease, which arises out of or in connection with the assignment.
- (6) Any application to the Land Court for a matter to be determined by the Court under this Act may be made by either party or by them jointly.
- (7) In the application of this section to any question or difference arising in relation to Part 2 of the Agricultural Holdings (Scotland) Act 2003 (asp 11), “landlord” shall be construed as including a creditor in a standard security with a right to sell land (that expression being construed by reference to that Part of that Act) which comprises or forms part of an agricultural holding.
- (8) Any reference in this section to a landlord or tenant of an agricultural holding shall be construed as including a person who was formerly the landlord or tenant thereof.
- (9) Any other provision of an enactment which provides for the determination of a matter by the Land Court is without prejudice to this section.”.

Commencement Information

II S. 75 in force at 27.11.2003 by [S.S.I. 2003/548](#), **art. 2(g)** (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\(4\)\(c\)](#)