



Agriculture (Scotland) Act 1948

1948 CHAPTER 45

PART I

AGRICULTURAL HOLDINGS.

Compensation to tenant for improvements and to landlord for deterioration.

1 Provisions as to payment of compensation for improvements.

- (1) Any agreement made after the commencement of this Part of this Act by an incoming tenant of a holding with his landlord to pay to an outgoing tenant any compensation payable by the landlord under or in pursuance of this Act in respect of improvements or to refund to his landlord any compensation payable as aforesaid which has been paid by the landlord to the outgoing tenant shall be null and void:

Provided that an incoming tenant may enter into an agreement in writing with his landlord to pay to an outgoing tenant, or to refund to his landlord up to such maximum amount as may be specified in the agreement, any compensation payable by the landlord under or in pursuance of this Act in respect of the whole or part of any improvement included in Part III of the First Schedule to the Agricultural Holdings (Scotland) Act, 1923 (hereafter in this Act referred to as the Act of 1923 ").

- (2) Where an incoming tenant has in pursuance of such an agreement in writing as aforesaid paid to an outgoing tenant or refunded to his landlord any compensation in respect of the whole or part of any improvement, he shall be entitled on quitting the holding to claim compensation in respect of the improvement or part in like manner, if at all, as the outgoing tenant would have been entitled if he had remained tenant of the holding and quitted it at the time at which the incoming tenant quite it.
- (3) Where, in a case not falling within the foregoing subsections, an incoming tenant of a holding has paid to his landlord any amount in respect of the whole or part of any improvement, he shall, subject to any agreement in writing between the landlord and the tenant, be entitled on quitting the holding to claim compensation in respect of the improvement or part in like manner, if at all, as he would have been entitled if he had

Status: This is the original version (as it was originally enacted).

been tenant of the holding at the time when the improvement was carried out and the improvement or part had been carried out by him.

- (4) The foregoing provisions of this section shall have effect in substitution for the provisions of section seven of the Act of 1923.