

SCHEDULES

SCHEDULE 2

TENANTS' COMPENSATION FOR MILK QUOTA: SCOTLAND

Settlement of tenant's claim on termination of lease

- 11 (1) Subject to this paragraph, any claim arising under paragraph 2 above shall be determined—
- (a) in the case of an agricultural holding within the meaning of the 1949 Act by arbitration under that Act or, under section 78 of that Act, by the Scottish Land Court;
 - (b) in any other case, by the Scottish Land Court,
- and no such claim shall be enforceable unless before the expiry of the period of 2 months from the termination of the lease the tenant has served notice in writing on the landlord of his intention to make the claim, specifying the nature of the claim.
- (2) The landlord and tenant may within the period of 8 months from the termination of the lease by agreement in writing settle the claim but where the claim has not been settled during that period it shall be determined as provided in sub-paragraph (1) above.
- (3) Where a tenant lawfully remains in occupation of part of the tenancy after the termination of the lease, the references in subparagraphs (1) and (2) above to the termination of the lease shall be construed as references to the termination of the occupation.
- (4) In the case of an arbitration under this paragraph, section 75 (or, where the circumstances require, sections 77 and 87) of the 1949 Act (arbitrations) shall apply as if the requirements of this paragraph were requirements of that Act, but paragraph 13 of the Sixth Schedule to that Act (arbitration awards to fix day for payment not later than one month after award) shall have effect for the purposes of this paragraph with the substitution for the words " one month " of the words " three months ".
- (5) In the case of an arbitration under this paragraph, section 61 of the 1949 Act (determination of claims for compensation where landlord's interest is divided) shall apply, where the circumstances require, as if compensation payable under paragraph 2 above were compensation payable under that Act.
- (6) Where—
- (a) before the termination of the lease of any land the landlord and tenant have agreed in writing the amount of the standard quota for the land or the tenant's fraction or the value of milk quota which is to be used for the purpose of calculating the payment to which the tenant will be entitled under this Schedule on the termination of the lease; or
 - (b) the standard quota or the tenant's fraction has been determined by arbitration in pursuance of paragraph 10 above,

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

the arbiter or, as the case may be, the Scottish Land Court in determining the claim under this paragraph shall, subject to subparagraph (7) below, award payment in accordance with that agreement or determination.

- (7) Where it appears to the arbiter or, as the case may be, the Scottish Land Court that any circumstances relevant to the agreement or determination mentioned in subparagraph (6) above were materially different at the time of the termination of the lease from those at the time the agreement or determination was made, he shall disregard so much of the agreement or determination as appears to him to be affected by the change in circumstances.