



# Agricultural Holdings (Scotland) Act 1991

## CHAPTER 55

### AGRICULTURAL HOLDINGS (SCOTLAND) ACT 1991

#### PART I

##### AGRICULTURAL HOLDINGS

- 1 Meaning of “agricultural holding” and “agricultural land”.
- 2 Leases for less than year to year.
- 3 Leases to be continued by tacit relocation.

#### PART II

##### TERMS OF LEASES AND VARIATIONS THEREOF

- 4 Written leases and the revision of certain leases.
- 5 Fixed equipment and insurance premiums.
- 6 Sums recovered under fire insurance policy.
- 7 Freedom of cropping and disposal of produce.
- 8 Record of condition, etc., of holding.
- 9 Arbitration as to permanent pasture.
- 10 Power of landlord to enter on holding.
- 10A Assignment and subletting of tenancy
- 11 Bequest of lease.
- 12 Right of landlord to object to acquirer of lease.

##### *Variation of rent*

- 13 Variation of rent.
- 14 Determination by the Land Court under sections 4 and 5
- 15 Increase of rent for certain improvements by landlord.

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### *Tenant's right to withhold rent*

#### 15A Tenant's right to withhold rent

#### *Termination of tenancy*

- 16 Leases not terminated by variation of terms, etc..
- 16A Leases not terminated on grounds of non-residence
- 17 Prohibition of removal of manure, etc., after notice to quit, etc..
- 18 Tenant's right to remove fixtures and buildings.
- 19 Payment for implements, etc., sold on quitting holding.
- 20 Removal of tenant for non-payment of rent.

### **PART III**

#### NOTICE TO QUIT AND NOTICE OF INTENTION TO QUIT

- 21 Notice to quit and notice of intention to quit.
- 22 Restrictions on operation of notices to quit.
- 23 Consent by Land Court or arbitration on notices to quit.
- 24 Consents for purposes of section 22.
- 25 Termination of tenancies acquired by succession.
- 26 Certificates of bad husbandry.
- 27 Penalty for breach of condition.
- 28 Effect on notice to quit of sale of holding.
- 29 Notice to quit part of holding to be valid in certain cases.
- 29A Holding to be restored in certain circumstances
- 30 Tenant's right to treat notice to quit part as notice to quit entire holding.
- 31 Reduction of rent where tenant dispossessed of part of holding.
- 32 Further restrictions on operation of certain notices to quit.

### **PART IV**

#### COMPENSATION FOR IMPROVEMENTS

- 33 Improvements.
- 33A Agreements as to compensation for improvements
- 34 Right to compensation for improvements.
- 35 Payment of compensation by incoming tenant.
- 36 Amount of compensation under this Part.
- 37 Consents necessary for compensation for some improvements.
- 38 Notice required of certain improvements.
- 39 Compensation for Sch. 5, Pt. II, improvements conditional on approval of Land Court in certain cases.

### **PART V**

#### OTHER PROVISIONS REGARDING COMPENSATION

#### *Market gardens*

- 40 Market gardens.
- 41 Direction by Land Court that holding be treated as market garden.
- 42 Agreements as to compensation relating to market gardens.

#### *Miscellaneous*

- 43 Compensation for disturbance.

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- 44 Compensation for continuous adoption of special standard of farming.
- 45 Compensation to landlord for deterioration etc. of holding.
- 45A Compensation arising as a result of diversification and cropping of trees
- 46 Compensation for failure to repair or maintain fixed equipment.
- 47 Provisions supplementary to ss. 45 and 46.
- 48 Landlord not to have right to penal rent or liquidated damages.
- 49 Compensation provisions to apply to parts of holdings in certain cases.
- 50 Determination of claims for compensation where holding is divided.
- 51 Compensation not to be payable for things done in compliance with this Act.
- 52 Compensation for damage by game.
- 53 Extent to which compensation recoverable under agreements.

#### **PART VI**

##### ADDITIONAL PAYMENTS

- 54 Additional payments to tenants quitting holdings.
- 55 Provisions supplementary to s. 54.
- 56 Additional payments in consequence of compulsory acquisition etc. of agricultural holdings.
- 57 Provisions supplementary to s. 56.
- 58 Effect of early resumption clauses on compensation.
- 59 Interpretation etc. of Part VI.

#### **PART VII**

##### ARBITRATION AND OTHER PROCEEDINGS

- 60 Resolution of disputes by Land Court
- 61 Agreement to refer matters to arbitration
- 61A Arbitration: procedure etc.
- 61B Clauses in leases as to resolution of disputes
- 62 Claims on termination of tenancy.
- 63 Panel of arbiters, and remuneration of arbiter.
- 64 Appointment of arbiter in cases where Secretary of State is a party.
- 65 Recovery of compensation and other sums due.
- 66 Power to enable demand to remedy a breach to be modified on arbitration.
- 67 Prohibition of appeal to sheriff principal.

##### *Sheep stock valuation*

- 68 Sheep stock valuation.
- 69 Submission of questions of law for decision of sheriff.
- 70 Determination by Land Court of questions as to value of sheep stock.
- 71 Statement of sales of stock.
- 72 Interpretation of sections 68 to 71.

#### **PART VIII**

##### MISCELLANEOUS

- 73 Power of Secretary of State to vary Schedules 5 and 6.
- 74 Power of limited owners to give consents, etc..
- 75 Power of tenant and landlord to obtain charge on holding.

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- 76 Power of land improvement companies to advance money.
- 77 Appointment of guardian to landlord or tenant.
- 78 Validity of consents, etc..

## PART IX

### SUPPLEMENTARY

#### *Crown and Secretary of State*

- 79 Application to Crown land.
- 80 Determination of matters where Secretary of State is landlord or tenant.
- 81 Expenses and receipts.
- 82 Powers of entry and inspection.

#### *Land Court*

- 83 Proceedings of the Land Court.

#### *Service of notices*

- 84 Service of notices, etc..

#### *Interpretation*

- 85 Interpretation.
- 86 Construction of references in other Acts to holdings as defined by earlier Acts.
- 87 Savings.

#### *Consequential amendments and repeals*

- 88 Consequential amendments and repeals.

#### *Citation, commencement and extent*

- 89 Citation, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 — Provisions Required in Leases

- 1 The names of the parties.
- 2 Particulars of the holding with sufficient description, by reference to...
- 3 The term or terms for which the holding or different...
- 4 The rent and the dates on which it is payable....
- 5 An undertaking by the landlord in the event of damage...
- 6 An undertaking by the tenant, in the event of the...

### SCHEDULE 2 — Grounds for Consent to Operation of Notices to Quit a Tenancy Where Section 25(3) Applies

#### Part I — GROUNDS FOR CONSENT TO OPERATION OF NOTICE TO QUIT A TENANCY LET BEFORE 1 JANUARY 1984

##### *Case 1*

The tenant has neither sufficient training in agriculture nor sufficient...

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*Case 2*

- (a) The holding or any agricultural unit of which it...
- (b) the landlord intends to use the holding for the...
- (c) the notice specifies the land with which the holding...

*Case 3*

The tenant is the occupier (either as owner or tenant)...

- (a) is a viable unit;
  - (b) is distinct from the holding and from any agricultural...
  - (c) has been occupied by him since before the death...
- and the notice specifies the agricultural land.

Part II — GROUNDS FOR CONSENT TO OPERATION OF NOTICE TO QUIT A  
TENANCY LET ON OR AFTER 1 JANUARY 1984

*Case 4*

The tenant does not have sufficient financial resources to enable...

*Case 5*

The tenant has neither sufficient training in agriculture nor sufficient...  
Provided that this Case shall not apply where the tenant...

*Case 6*

- (a) The holding or any agricultural unit of which it...
- (b) the landlord intends to use the holding for the...
- (c) the notice specifies the land with which the holding...

*Case 7*

The tenant is the occupier (either as owner or tenant)...

- (a) is a viable unit;
  - (b) is distinct from the holding; and
  - (c) has been occupied by him throughout the period from...
- and the notice specifies the land.

Part III — SUPPLEMENTARY

- 1 For the purposes of section 25 of this Act and...
- 2 For the purposes of determining whether land is a viable...
- 3 For the purposes of Case 7 of this Schedule, occupation...

SCHEDULE 3 — 1923 Act Improvements For Which Compensation May Be  
Payable

Part I — IMPROVEMENTS FOR WHICH CONSENTS REQUIRED

- 1 Erection, alteration, or enlargement of buildings.
- 2 Formation of silos.
- 3 Laying down of permanent pasture.
- 4 Making and planting of osier beds.
- 5 Making of water meadows or works of irrigation.
- 6 Making of gardens.
- 7 Making or improvement of roads or bridges.
- 8 Making or improvement of watercourses, ponds, wells, or reservoirs,  
or...
- 9 Making or removal of permanent fences.

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- 10 Planting of hops.
- 11 Planting of orchards or fruit bushes.
- 12 Protecting young fruit trees.
- 13 Reclaiming of waste land.
- 14 Warping or weiring of land.
- 15 Embankments and sluices against floods.
- 16 Erection of wirework in hop gardens.
- 17 Provision of permanent sheep dipping accommodation.
- 18 In the case of arable land, the removal of bracken,...  
Part II — IMPROVEMENTS FOR WHICH NOTICE REQUIRED
- 19 Drainage.  
Part III — IMPROVEMENTS FOR WHICH NO CONSENTS OR NOTICE  
REQUIRED
- 20 Chalking of land.
- 21 Clay-burning.
- 22 Claying of land or spreading blaes upon land.
- 23 Liming of land.
- 24 Marling of land.
- 25 Application to land of purchased artificial or other manure.
- 26 Consumption on the holding by cattle, sheep, or pigs, or...
- 27 Consumption on the holding by cattle, sheep, or pigs, or...
- 28 Laying down temporary pasture with clover, grass, lucerne, sainfoin,  
or...
- 29 Repairs to buildings, being buildings necessary for the proper  
cultivation...

#### SCHEDULE 4 — 1931 Act Improvements For Which Compensation May Be Payable

- Part I — IMPROVEMENTS FOR WHICH CONSENT REQUIRED
- 1 Erection, alteration, or enlargement of buildings.
- 2 Laying down of permanent pasture.
- 3 Making and planting of osier beds.
- 4 Making of water meadows or works of irrigation.
- 5 Making of gardens.
- 6 Planting of orchards or fruit bushes.
- 7 Protecting young fruit trees.
- 8 Warping or weiring of land.
- 9 Making of embankments and sluices against floods.  
Part II — IMPROVEMENTS OF WHICH NOTICE REQUIRED
- 10 Drainage.
- 11 Formation of silos.
- 12 Making or improvement of roads or bridges.
- 13 Making or improvement of watercourses, ponds or wells, or of...
- 14 Making or removal of permanent fences.
- 15 Reclaiming of waste land.
- 16 Repairing or renewal of embankments and sluices against floods.
- 17 Provision of sheep dipping accommodation.
- 18 Provision of electrical equipment other than moveable fittings and  
appliances....  
Part III — IMPROVEMENTS FOR WHICH NO CONSENT OR NOTICE  
REQUIRED
- 19 Chalking of land.
- 20 Clay-burning.

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- 21 Claying of land or spreading blaes upon land.
- 22 Liming of land.
- 23 Marling of land.
- 24 Eradication of bracken, whins, or gorse growing on the holding...
- 25 Application to land of purchased artificial or other manure.
- 26 Consumption on the holding by cattle, sheep, or pigs, or...
- 27 Consumption on the holding by cattle, sheep, or pigs, or...
- 28 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or...
- 29 Repairs to buildings, being buildings necessary for the proper cultivation...

## SCHEDULE 5 — New Improvements For Which Compensation May Be Payable

### Part I — IMPROVEMENTS FOR WHICH CONSENT IS REQUIRED

- 1 Laying down of permanent pasture.
- 2 Making of water-meadows or works of irrigation.
- 3 Making of gardens.
- 4 Planting of orchards or fruit bushes.
- 5 Warping or weiring of land.
- 6 Making of embankments and sluices against floods.
- 7 Making or planting of osier beds.
- 8 Haulage or other work done by the tenant in aid...

### Part II — IMPROVEMENTS FOR WHICH NOTICE IS REQUIRED

- 9 Land drainage.
- 10 Construction of silos.
- 11 Making or improvement of farm access or service roads, bridges...
- 12 Making or improvement of watercourses, ponds or wells, or of...
- 13 Making or removal of permanent fences, including hedges, stone dykes...
- 14 Reclaiming of waste land.
- 15 Renewal of embankments and sluices against floods.
- 16 Provision of stells, fanks, folds, dippers, pens and bughts necessary...
- 17 Provision or laying on of electric light or power, including...
- 18 Erection, alteration or enlargement of buildings, making or improvement of...
- 19 Erection of hay or sheaf sheds, sheaf or grain drying...
- 20 Provision of fixed threshing mills, barn machinery and fixed dairying...
- 21 Improvement of permanent pasture by cultivation and re-seeding.
- 22 Provision of means of sewage disposal.
- 23 Repairs to fixed equipment, being equipment reasonably required for the...

### Part III — IMPROVEMENTS FOR WHICH NO CONSENT OR NOTICE IS REQUIRED

- 24 Protecting fruit trees against animals.
- 25 Clay burning.
- 26 Claying of land.
- 27 Liming (including chalking) of land.
- 28 Marling of land.
- 29 Eradication of bracken, whins or broom growing on the holding...
- 30 Application to land of purchased manure and fertiliser, whether organic...
- 31 Consumption on the holding of corn (whether produced on the...

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- 32 Laying down temporary pasture with clover, grass, lucerne, sainfoin,  
or...

#### SCHEDULE 6 — Market Garden Improvements

- 1 Planting of fruit trees or bushes permanently set out.
- 2 Planting of strawberry plants.
- 3 Planting of asparagus, rhubarb, and other vegetable crops which  
continue...
- 4 Erection, alteration or enlargement of buildings for the purpose of...

#### SCHEDULE 7 — Arbitrations

##### *APPOINTMENT OF ARBITERS*

- 1 Arbitrations
- 2 Arbitrations
- 3 Arbitrations
- 4 Arbitrations

##### *PARTICULARS OF CLAIM*

- 5 Arbitrations

##### *EVIDENCE*

- 6 Arbitrations
- 7 Arbitrations

##### *AWARD*

- 8 Arbitrations
- 9 Arbitrations
- 10 Arbitrations
- 11 Arbitrations
- 12 Arbitrations
- 13 Arbitrations
- 14 Arbitrations
- 15 Arbitrations
- 16 Arbitrations

##### *EXPENSES*

- 17 Arbitrations
- 18 Arbitrations
- 19 Arbitrations

##### *STATEMENT OF CASE*

- 20 Arbitrations
- 21 Arbitrations
- 22 Arbitrations

##### *REMOVAL OF ARBITER AND SETTING ASIDE OF AWARD*

- 23 Arbitrations
- 24 Arbitrations



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## FORMS

### 25 Arbitrations

#### SCHEDULE 8 — Supplementary Provisions with Respect to Payments Under Section 56

- 1 Subject to paragraph 4 of this Schedule, any dispute with...
- 2 If in any case the sum to be paid by...
- 3 Where, on an application under paragraph 2 above, the tribunal...
- 4 For the purposes of paragraph 3(a) above, section 13(1) of...
- 5 The enactments mentioned in paragraph 6 of this Schedule shall,...
- 6 The enactments aforesaid are— (a) sections 56 to 60, 62,...

#### SCHEDULE 9 — Valuation of Sheep Stock in Scotland in Respect of Old Leases

##### Part I — VALUATION MADE IN RESPECT OF A TENANCY TERMINATING AT WHITSUNDAY

- 1 The Land Court or, by virtue of section 61(1) of...
- 2 The valuer shall calculate an average price per ewe, and...
- 3 The valuer shall then ascertain the mean of the average...
- 4 In the case of any sheep stock in which the...
- 5 The 3-year average price for ewes shall be subject to...
- 6 In making his award the valuer shall value the respective...

##### Part II — VALUATION MADE IN RESPECT OF A TENANCY TERMINATING AT MARTINMAS

- 7 The valuer shall ascertain the number of, and the prices...
- 8 The mean of the average prices so calculated shall be...
- 9 In making his award the valuer shall assess the respective...

##### Part III

Particulars to be  
Shown in an Arbitrator's  
Award

- 10 The 3-year average price for ewes and the 3-year average...
  - 11 Any amount added or taken away by way of adjustment...
  - 12 The number of each class of stock valued (ewes and...
  - 13 Any amount added to or taken away by way of...
- ##### Part IV — INTERPRETATION
- 14 In this Schedule the expressions “ewe”, “gimmer”, “eild ewe”, “eild...

#### SCHEDULE 10 — Valuation of Sheep Stock in Scotland in Respect of Leases Entered into after 1st December 1986

##### Part I — VALUATION MADE IN RESPECT OF A TENANCY TERMINATING AT WHITSUNDAY

- 1 The Land Court or, by virtue of section 61(1) of...
- 2 The valuer shall calculate an average price per ewe, and...
- 3 The valuer shall then ascertain the mean of the average...
- 4 In the case of any sheep stock in which the...
- 5 The 3-year average price for regular cast ewes shall be...
- 6 In making his award the valuer shall value the respective...

##### Part II — VALUATION MADE IN RESPECT OF A TENANCY TERMINATING AT MARTINMAS

- 7 The valuer shall ascertain the number of, and the prices...
- 8 The mean of the average prices so calculated shall be...

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- 9 In making his award the valuer shall assess the respective...  
Part III

Particulars to be  
Shown in an Arbitrator's  
Award

- 10 The 3-year average price for regular cast ewes and the...  
11 Any amount added or taken away by way of adjustment...  
12 The number of each class of stock valued (ewes and...  
13 Any amount added to or taken away by way of...  
Part IV — INTERPRETATION  
14 In this Schedule the expressions “regular cast ewes”, “ewe”,  
“gimmer”,...

#### SCHEDULE 11 — Consequential Amendments of Enactments

##### *Hill Farming Act 1946 (c. 73)*

- 1 In section 9, as substituted by the Seventh Schedule to...

##### *Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 2 In section 21— (a) in subsection (2) for “Subsection (1)...  
3 In section 22(4)(a), for “subsection (1) of section twenty five...  
4 In section 38(6)(a)(i), for “Agricultural Holdings (Scotland) Act 1949”  
substitute...

##### *Crofters (Scotland) Act 1955 (c. 21)*

- 5 In section 14(10), for “Agricultural Holdings (Scotland) Act 1949”  
substitute...  
6 In section 37(1), in the definition of “fixed equipment”, for...  
7 In Schedule 2, paragraph 10, for “section 15 of the...”

##### *Agriculture (Safety, Health and Welfare Provisions) Act 1956 (c.49)*

- 8 In section 25(4), for the words from “the provisions” to...  
9 In section 25(5), for “section eight of the Agricultural Holdings...  
10 In section 25(10), in the definition of “agricultural holding”, “fixed...”

##### *Coal Mining (Subsidence) Act 1957 (c.59)*

- 11 In section 10(1)(a), for “Agricultural Holdings (Scotland) Act 1949”  
substitute...

##### *Opencast Coal Act 1958 (c.69)*

- 12 In section 14A— (a) in subsection (3), for the words...  
13 For section 24(10) substitute— (10) In the application of this...  
14 For section 25(3) substitute— (3) In the application of this...  
15 In section 26(6) after “Scotland” insert “ (a) ” and...  
16 In section 27(4), for “section fourteen of the Scottish Act...  
17 In section 28(6)— (a) for “to section sixty-five of the...  
18 In section 52(2)— (a) in the definition of “agricultural holding”,...  
19 In section 52(5)(a)— (a) for “the Scottish Act of 1949”...  
20 In Schedule 6, paragraph 31, for “section 2(1) of the...”

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21 For Schedule 7, paragraph 25(a) substitute— (a) for references—

*Horticulture Act 1960 (c. 22)*

22 .....

*Crofters (Scotland) Act 1961 (c. 58)*

23 In section 13(1), for “the Agricultural Holdings (Scotland) Act 1949”...

*Succession (Scotland) Act 1964 (c. 41)*

24 In section 16— (a) in subsections (2)(c) and (3)(b)(i), for...

25 In section 29(2), for “section 20 of the Agricultural Holdings...

*Agriculture Act 1967 (c. 22)*

26 In section 26(1), for “the Agricultural Holdings (Scotland) Act 1949”...

27 In section 27(5B), for “the Agricultural Holdings (Scotland) Act 1949”...

28 In section 28(1)(a), for “section 35 of the Agricultural Holdings...

29 In section 29— (a) in subsection (3)(a), for “section 35...

30 In section 48(2)(a), for “section 35 of the Agricultural Holdings...

31 In Schedule 3, paragraph 7(5)— (a) for “sections 75 and...

*Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35)*

32 In Schedule 1 in paragraph 5(a), for “Agricultural Holdings (Scotland)...

*Land Compensation (Scotland) Act 1973 (c. 56)*

33 In section 31(3)(c) for “Agricultural Holdings (Scotland) Act 1949” substitute...

34 In section 44— (a) in subsection (2)(a)(i) for “section 25(2)(c)...

35 In section 52— (a) in subsection (3)(d) for “Agricultural Holdings...

36 In section 55— (a) for subsection (1)(b) substitute—

37 In section 80(1), in the definitions of “agricultural holding” and...

*Land Tenure Reform (Scotland) Act 1974 (c. 38)*

38 In section 8(5)(a), for “Agricultural Holdings (Scotland) Act 1949” substitute...

*Control of Pollution Act 1974 (c. 40)*

39 In section 31B(2)(a), for the words “an absolute owner (within...

*Matrimonial Homes (Family Protection)(Scotland) Act 1981 (c.59)*

40 In section 13(8), in the definition of “agricultural holding”, for...

*Rent (Scotland) Act 1984 (c. 58)*

41 For section 25(1)(iii) substitute— (iii) the Agricultural Holdings (Scotland) Act...

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*Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)*

42 In section 7(2), in the definition of “agricultural holding”, for...

*Agriculture Act 1986 (c.49)*

43 In section 14(a) for “the Agricultural Holdings (Scotland) Act 1949”...

44 In section 16— (a) in subsection (2), for “section 7...”

45 In section 18(6) for the words from “the absolute owner”...

46 In section 19(4) for “the Crofters (Scotland) Act 1955” substitute...

47 After section 23 insert— In this Act— “the 1886 Act” means the Crofters Holdings...

48 In Schedule 2, paragraph 1(1)— (a) in the definition of...

49 In Schedule 2, paragraph 3(1)(b), for “section 20 of the...”

50 In Schedule 2, paragraph 7— (a) in sub-paragraph (2), for...

51 In Schedule 2, paragraph 10(1)— (a) in sub-paragraph (a), for...

52 In Schedule 2, paragraph 11— (a) in sub-paragraph (1)(a), for...

53 In Schedule 2, for paragraph 12 substitute— “Sections 65...”

*Housing (Scotland) Act 1987 (c. 26)*

54 In section 256(1) and (3) for “Agricultural Holdings (Scotland) Act...”

55 In section 338(1), in the definition of “agricultural holding”, for...

56 In Schedule 8, Part IV, paragraph 13—

*Housing (Scotland) Act 1988 (c. 43)*

57 In Schedule 4 in paragraph 6(a), for “Agricultural Holdings (Scotland)...”

SCHEDULE 12 — TRANSITIONALS AND SAVINGS

*Continuation of savings*

1 The repeal by this Act of an enactment which repealed...

*Construction of references to old and new law*

2 (1) Where an enactment contained in this Act repeals and...

*Savings for specific enactments*

3 Nothing in this Act shall affect any provision of the...

4 Section 21 of the Reserve and Auxiliary Forces (Protection of...

*Compensation*

5 Notwithstanding section 16 of the Interpretation Act 1978, rights to...

SCHEDULE 13 — Repeals and Revocations

Part I — REPEALS

Part II

*TABLE OF DERIVATIONS*

Note: The following abbreviations are used in this Table—

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