



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART VII

ARBITRATION AND OTHER PROCEEDINGS

Sheep stock valuation

68 Sheep stock valuation.

- (1) This section and sections 69 to 72 of this Act shall apply where, under a lease of an agricultural holding, the tenant is required at the termination of the tenancy to leave the stock of sheep on the holding to be taken over by the landlord or by the incoming tenant at a price or valuation to be fixed by arbitration, referred to in this section and sections 69 to 72 of this Act as a “sheep stock valuation”.
- (2) In a sheep stock valuation where the lease was entered into before or on 6th November 1946, the arbiter shall in his award show the basis of valuation of each class of stock and state separately any amounts included in respect of acclimatisation or hefting or of any other consideration or factor for which he has made special allowance.
- (3) In a sheep stock valuation where the lease was entered into after 6th November 1946, the arbiter shall fix the value of the sheep stock in accordance—
 - (a) in the case of a valuation made in respect of a tenancy terminating at Whitsunday in any year, with Part I of Schedule 9 to this Act if the lease was entered into before 1st December 1986, otherwise with Part I of Schedule 10 to this Act; or
 - (b) in the case of a valuation made in respect of a tenancy terminating at Martinmas in any year, with the provisions of Part II of Schedule 9 to this Act, if the lease was entered into before 1st December 1986, otherwise with Part II of Schedule 10 to this Act,

and subsection (2) above shall apply in such a case as if for the words from “show the basis” to the end of the subsection there were substituted the words “state separately the particulars set forth in Part III of Schedule 9 (or, as the case may be, Schedule 10) to this Act”.

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- (4) Where an arbiter fails to comply with any requirement of subsection (2) or (3) above, his award may be set aside by the sheriff.
- (5) The Secretary of State may, by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, vary the provisions of Schedule 10 to this Act, in relation to sheep stock valuations under leases entered into on or after the date of commencement of the order.

69 Submission of questions of law for decision of sheriff.

- (1) In a sheep stock valuation where the lease was entered into after 10th June 1937 the arbiter may, at any stage of the proceedings, and shall, if so directed by the sheriff (which direction may be given on the application of either party) submit, in the form of a stated case for the decision of the sheriff, any question of law arising in the course of the arbitration.
- (2) The decision of the sheriff on questions submitted under subsection (1) above shall be final unless, within such time and in accordance with such conditions as may be prescribed by Act of Sederunt, either party appeals to the Court of Session, from whose decision no appeal shall lie.
- (3) Where a question is submitted under subsection (1) above for the decision of the sheriff, and the arbiter is satisfied that, whatever the decision on the question may be, the sum ultimately to be found due will be not less than a particular amount, it shall be lawful for the arbiter, pending the decision of such question, to make an order directing payment to the outgoing tenant of such sum, not exceeding that amount, as the arbiter may think fit, to account of the sum that may ultimately be awarded.

70 Determination by Land Court of questions as to value of sheep stock.

- (1) Any question which would fall to be decided by a sheep stock valuation—
 - (a) where the lease was entered into before or on 6th November 1946 may, on the joint application of the parties; and
 - (b) where the lease was entered into after that date shall, on the application of either party,
 in lieu of being determined in the manner provided in the lease, be determined by the Land Court.
- (2) The Land Court shall determine any question or difference which they are required to determine, in a case where subsection (1)(b) above applies, in accordance with the appropriate provisions—
 - (a) where the lease was entered into before 1st December, 1986, of Schedule 9 to this Act;
 - (b) where the lease was entered into on or after that date, of Schedule 10 to this Act.

71 Statement of sales of stock.

- (1) Where any question as to the value of any sheep stock has been submitted for determination to the Land Court or to an arbiter, the outgoing tenant shall, not less than 28 days before the determination of the question, submit to the Court or to the arbiter, as the case may be—

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- (a) a statement of the sales of sheep from such stock—
 - (i) in the case of a valuation made in respect of a tenancy terminating at Whitsunday during the preceding three years; or
 - (ii) in the case of a valuation made in respect of a tenancy terminating at Martinmas during the current year and in each of the two preceding years; and
 - (b) such sale-notes and other evidence as may be required by the Court or the arbiter to vouch the accuracy of such statement.
- (2) Any document submitted by the outgoing tenant in pursuance of this section shall be open to inspection by the other party to the valuation proceedings.

72 Interpretation of sections 68 to 71.

In sections 68 to 71 of this Act—

- (a) “agricultural holding” means a piece of land held by a tenant which is wholly or in part pastoral, and which is not let to the tenant during and in connection with his continuance in any office, appointment, or employment held under the landlord;
- (b) “arbiter” includes an oversman and any person required to determine the value or price of sheep stock in pursuance of any provision in the lease of an agricultural holding, and “arbitration” shall be construed accordingly; and
- (c) “sheep stock valuation” shall be construed in accordance with section 68(1) of this Act.

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