



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 [F171 and] 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 [F2any method], referred to in this section F3 ... as a “sheep stock valuation”.

[F4(1A) Where this section applies, the sheep stock valuation shall be determined by the Land Court in the manner provided for by virtue of this section.]

(2) In a sheep stock valuation where the lease was entered into before or on 6th November 1946, the [F5Land Court shall in its determination] 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 [F6it] has made special allowance.

(3) In a sheep stock valuation where the lease was entered into after 6th November 1946, the [F7Land Court] 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,

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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”.

^{F8}(4)

- (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.

Textual Amendments

- F1** Words in s. 68(1) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), Sch. para. 37\(a\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F2** Words in s. 68(1) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), Sch. para. 37\(a\)\(ii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F3** Words in s. 68(1) repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), Sch. para. 37\(a\)\(iii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F4** S. 68(1A) inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), Sch. para. 37\(b\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F5** Words in s. 68(2) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), Sch. para. 37\(c\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F6** Word in s. 68(2) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), Sch. para. 37\(c\)\(ii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F7** Word in s. 68(3) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), Sch. para. 37\(d\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F8** S. 68(4) repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), Sch. para. 37\(e\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

^{F9}**69 Submission of questions of law for decision of sheriff.**

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Textual Amendments

- F9** Ss. 69, 70 repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), Sch. para. 38](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

^{F10}**70 Determination by Land Court of questions as to value of sheep stock.**

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Textual Amendments

- F10** Ss. 69, 70 repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), Sch. para. 38](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

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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^{F11}, by virtue of section 61(1) of this Act,] 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—
- (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.

Textual Amendments

- F11** Words in s. 71 inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 39](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

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;
- ^{F12}(b)
- ^{F12}(c)

Textual Amendments

- F12** S. 72(b)(c) repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 40](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

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