



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART VII

ARBITRATION AND OTHER PROCEEDINGS

[^{F1}60 Resolution of disputes by Land Court

- (1) The Land Court shall have jurisdiction to hear and determine any of the matters referred to in subsection (2) below.
- (2) Those matters are—
 - (a) whether a tenancy of an agricultural holding in relation to which this Act applies exists or has been terminated;
 - (b) any question or difference between the landlord and tenant of such a holding arising out of the tenancy or in connection with the holding, whether such question or difference arises during the currency of or on or after the termination of the tenancy;
 - (c) any claim by the landlord or tenant of such a holding against the other which arises, under this Act or under any rule of law, custom or agreement, on or out of the termination of the tenancy (or part thereof);
 - (d) any other issue of fact or law relating to—
 - (i) a tenancy of such a holding or any other type of agricultural tenancy;
or
 - (ii) agriculture,which the landlord or tenant reasonably require to have resolved.
- (3) Such matters include, in particular (and without prejudice to the generality of subsection (2) above), any question or difference between the landlord and tenant arising in relation to Part 2 of the Agricultural Holdings (Scotland) Act 2003 (asp 11) except any question or difference of fact relating to the determination of the price payable by the tenant for the purposes of that Part of that Act.
- (4) Such matters do not include any question as to—

*Changes to legislation: There are currently no known outstanding effects for the
 Agricultural Holdings (Scotland) Act 1991, Part VII. (See end of Document for details)*

- (a) who is entitled to succeed to the estate of a deceased person on intestacy by virtue of the Succession (Scotland) Act 1964 (c. 41);
 - (b) the validity of—
 - (i) any bequest; or
 - (ii) any transfer,
 of an interest under the lease; or
 - (c) whether any such transfer is in the best interests of the estate of a deceased person.
- (5) The Land Court shall also have jurisdiction to hear and determine any question or difference, between the tenant and any person with whom he has in pursuance of section 10A(1) of this Act entered into a contract assigning his interest under the lease, which arises out of or in connection with the assignation.
- (6) Any application to the Land Court for a matter to be determined by the Court under this Act may be made by either party or by them jointly.
- (7) In the application of this section to any question or difference arising in relation to Part 2 of the Agricultural Holdings (Scotland) Act 2003 (asp 11), “landlord” shall be construed as including a creditor in a standard security with a right to sell land (that expression being construed by reference to that Part of that Act) which comprises or forms part of an agricultural holding.
- (8) Any reference in this section to a landlord or tenant of an agricultural holding shall be construed as including a person who was formerly the landlord or tenant thereof.
- (9) Any other provision of an enactment which provides for the determination of a matter by the Land Court is without prejudice to this section.]

Textual Amendments

F1 S. 60 substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), ss. 75, 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(g) (with Sch.)

[^{F2}61 Agreement to refer matters to arbitration

- (1) Subject to subsection (2) below, where this Act [^{F3}or section 116 of the Land Reform (Scotland) Act 2016] makes provision for any matter to be determined by the Land Court, the matter may, if the landlord and tenant so agree at or after the time when the matter arises, instead of being so determined, be determined by arbitration.
- (2) Subsection (1) above does not apply in relation to any matter which may be determined by the Land Court—
- (a) in pursuance of section ^{F4}... 11, 12, 22, 26, 32, ^{F5}... 41(1), 55(7) or 66(2) or (2A) of this Act; or
 - (b) on appeal.
- (3) In this Act, other than in section 61A, “arbitration” includes any other method of resolving the matter; and “arbiter” shall be construed accordingly.

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Part VII. (See end of Document for details)

Textual Amendments

- F2** Ss. 61-61B substituted for s. 61 (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), [ss. 76, 95\(3\), 95\(4\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(g) (with sch.)
- F3** Words in s. 61(1) inserted (13.6.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), [ss. 118\(1\)\(a\)\(i\)](#), 130(1) (with s. 128); S.S.I. 2017/20, reg. 2, sch.
- F4** Word in s. 61(2) repealed (13.6.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), [s. 118\(1\)\(a\)\(ii\)\(A\)130\(1\)](#) (with s. 128); S.S.I. 2017/20, reg. 2, sch.
- F5** Word in s. 61(2) repealed (13.6.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), [s. 118\(1\)\(a\)\(ii\)\(B\)130\(1\)](#) (with s. 128); S.S.I. 2017/20, reg. 2, sch.

61A Arbitration: procedure etc.

- (1) This section applies to any arbitration to which a matter is referred by the landlord and tenant under section 61(1) of this Act.
- (2) The agreement of the parties to refer the matter to arbitration shall have the effect of depriving each party of his right to—
- (a) have the matter heard (or any issue in relation to the matter determined) by the Land Court (other than on appeal); and
 - (b) agree under section 61(1) of this Act to another method of resolving the matter.
- (3) It shall be for the landlord and tenant to agree whether the arbitration is conducted by—
- (a) a single arbiter; or
 - (b) two arbiters (with or without an oversman),
- and the arbiter or, as the case may be, each arbiter, may be appointed by the parties or by a person nominated by them.
- (4) The procedure to be followed at arbitration (including any matters to be taken into account by the arbiter and the matters to be contained in his award) shall, subject to subsection (5) below, be as the parties agree or, in the absence of such agreement, as the arbiter considers appropriate.
- (5) Any provision of this Act [^{F6}or of section 116 of the Land Reform (Scotland) Act 2016] that would apply to the Land Court as respects its consideration or determination of any matter had the matter not been referred to arbitration shall apply as respects the consideration or determination of the matter by arbitration.
- (6) Any party to the arbitration may appeal to the Land Court against the arbiter's award on a question of law within 28 days of the award; and in an appeal under this subsection the Court may—
- (a) quash, confirm or vary the award or any part of it; and
 - (b) where the Court quashes the award or any part of it—
 - (i) remit the case to the arbiter for further procedure; and
 - (ii) direct the arbiter on any question of law relevant to the case.

Textual Amendments

- F2** Ss. 61-61B substituted for s. 61 (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), [ss. 76, 95\(3\), 95\(4\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(g) (with sch.)

*Changes to legislation: There are currently no known outstanding effects for the
 Agricultural Holdings (Scotland) Act 1991, Part VII. (See end of Document for details)*

- F6** Words in s. 61A(5) inserted (13.6.2017) by Land Reform (Scotland) Act 2016 (asp 18), ss. 118(1)(b), 130(1) (with s. 128); S.S.I. 2017/20, reg. 2, sch.

61B Clauses in leases as to resolution of disputes

Any term of—

- (a) a lease of an agricultural holding in relation to which this Act applies; or
- (b) any agreement in connection with such a lease (other than an agreement under section 61(1) of this Act),

that makes provision restricting any right of a landlord or tenant to apply to the Land Court under this Act [^{F7}or under section 116 of the Land Reform (Scotland) Act 2016] to have a matter determined by the Court shall, in so far as it makes that provision, be null and void.]

Textual Amendments

- F2** Ss. 61-61B substituted for s. 61 (27.11.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), ss. 76, 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(g) (with sch.)
- F7** Words in s. 61B inserted (13.6.2017) by Land Reform (Scotland) Act 2016 (asp 18), ss. 118(1)(c), 130(1) (with s. 128); S.S.I. 2017/20, reg. 2, sch.

62 Claims on termination of tenancy.

[^{F8}(1) This section applies to any claim referred to in section 60(2)(c) of this Act.]

- (2) Without prejudice to any other provision of this Act, no claim to which this section applies shall be enforceable unless before the expiry of 2 months after the termination of the tenancy the claimant has given notice in writing to his landlord or his tenant, as the case may be, of his intention to make the claim.
- (3) A notice under subsection (2) above shall specify the nature of the claim, and it shall be a sufficient specification thereof if the notice refers to the statutory provision, custom, or term of an agreement under which the claim is made.
- (4) The landlord and the tenant may within 4 months after the termination of the tenancy by agreement in writing settle any such claim and the Secretary of State may upon the application of the landlord or the tenant made within that period extend the said period by 2 months and, on a second such application made during these 2 months, by a further 2 months.
- (5) Where before the expiry of the period referred to in subsection (4) above and any extension thereof under that subsection any such claim has not been settled, the claim shall cease to be enforceable unless before the expiry of one month after the end of the said period and any such extension, or such longer time as the Secretary of State may in special circumstances allow
 - [^{F9}(a) an application has been made to the Land Court; or
 - (b) an arbiter has been appointed or any application has been made for the appointment of an arbiter,
 to determine the claim]

- (6) Where a tenant lawfully remains in occupation of part of an agricultural holding after the termination of a tenancy, references in subsections (2) and (4) above to the

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termination of the tenancy thereof shall be construed as references to the termination of the occupation.

Textual Amendments

- F8** S. 62(1) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 34\(a\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F9** S. 62(5)(a)(b) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 34\(b\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

Modifications etc. (not altering text)

- C1** S. 62 applied (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), [ss. 80\(1\)](#), 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(g) (with Sch.)

^{F10}63 Panel of arbiters, and remuneration of arbiter.

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Textual Amendments

- F10** S. 64 repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 35](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

^{F10}64 Appointment of arbiter in cases where Secretary of State is a party.

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Textual Amendments

- F10** S. 64 repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 35](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

65 Recovery of compensation and other sums due.

Any award or agreement under this Act as to compensation, expenses or otherwise may, if any sum payable thereunder is not paid within one month after the date on which it becomes payable, be recorded for execution in the Books of Council and Session or in the sheriff court books, and shall be enforceable in like manner as a recorded decree arbitral.

Modifications etc. (not altering text)

- C2** S. 65 applied (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), [ss. 80\(2\)](#), 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(g) (with Sch.)

66 Power to enable demand to remedy a breach to be modified on arbitration.

- (1) Where a question or difference required by section 60 of this Act to be determined by [^{F11}the Land Court] relates to a demand in writing served on a tenant by a landlord

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requiring the tenant to remedy a breach of any term or condition of his tenancy by the doing of any work of provision, repair, maintenance or replacement of fixed equipment, the [^{F12}Land Court] may

- (a) in relation to all or any of the items specified in the demand, whether or not any period is specified as the period within which the breach should be remedied, specify such period for that purpose as appears in all the circumstances to the [^{F12}Land Court] to be reasonable;
 - (b) delete from the demand any item or part of an item which, having due regard to the interests of good husbandry as respects the holding and of sound management of the estate of which the holding forms part or which the holding constitutes, the [^{F12}Land Court] is satisfied is unnecessary or unjustified;
 - (c) substitute, in the case of any item or part of an item specified in the demand, a different method or material for the method or material which the demand would otherwise require to be followed or used where, having regard to the purpose which that item or part is intended to achieve, the [^{F12}Land Court] is satisfied that—
 - (i) the latter method or material would involve undue difficulty or expense,
 - (ii) the first-mentioned method or material would be substantially as effective for the purpose, and
 - (iii) in all the circumstances the substitution is justified.
- (2) Where under subsection (1)(a) above [^{F13}the Land Court] specifies a period within which a breach should be remedied or the period for remedying a breach is extended by virtue of subsection (4) below, the Land Court may, on the application of ^{F14}... the landlord, specify a date for the termination of the tenancy by notice to quit in the event of the tenant's failure to remedy the breach within that period, being a date not earlier than whichever of the two following dates is the later, that is to say—
- (a) the date on which the tenancy could have been terminated by notice to quit served on the expiry of the period originally specified in the demand, or if no such period is so specified, on the date of the giving of the demand, or
 - (b) 6 months after the expiry of the period specified ^{F14}... or, as the case may be, of the extended period.

[^{F15}(2A) Where, by virtue of section 61(1) of this Act, an arbiter specifies under subsection (1) (a) above a period within which a breach should be remedied or the period for remedying a breach is extended by virtue of subsection (4) below, the Land Court may, on the application of the arbiter or the landlord, specify a date for the termination of the tenancy by notice to quit in the event of the tenant's failure to remedy the breach within that period, being a date not earlier than whichever of the two dates referred to in subsection (2) above is the later.]

- (3) A notice to quit on a date specified in accordance with subsection (2)[^{F16}or (2A)] above shall be served on the tenant within one month after the expiry of the period specified by the [^{F17}Land Court] or the extended time, and shall be valid notwithstanding that it is served less than 12 months before the date on which the tenancy is to be terminated or that that date is not the end of a year of the tenancy.

(4) Where—

- (a) notice to quit to which 22(2)(d) of this Act applies is stated to be given by reason of the tenant's failure to remedy within the period specified in the demand a breach of any term or condition of his tenancy by the doing of any

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- work of provision, repair, maintenance or replacement of fixed equipment, or within that period as extended by the landlord or the [F18Land Court]; and
- (b) it appears to the [F19Land Court in a determination required] under section 23(2) of this Act that, notwithstanding that the period originally specified or extended was reasonable, it would, in consequence of any happening before the expiry of that period, have been unreasonable to require the tenant to remedy the breach within that period;

the [F18Land Court] may treat the period as having been extended or further extended and make [F20its determination] as if the period had not expired; and where the breach has not been remedied at the date of the [F21determination], the [F18Land Court] may extend the period as [F22it] considers reasonable, having regard to the length of period which has elapsed since the service of the demand.

Textual Amendments

- F11** Words in s. 66(1) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 36\(a\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F12** Words in s. 66(1) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 36\(a\)\(ii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F13** Words in s. 66(2) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 36\(b\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F14** Words in s. 66(2) repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 36\(b\)\(ii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F15** S. 66(2A) inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 36\(c\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F16** Words in s. 66(3) inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 36\(d\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F17** Words in s. 66(3) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 36\(d\)\(ii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F18** Words in s. 66(4) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 36\(e\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F19** Words in s. 66(4) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 36\(e\)\(ii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F20** Words in s. 66(4) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 36\(e\)\(iii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F21** Word in s. 66(4) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 36\(e\)\(iv\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F22** Word in s. 66(4) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 36\(e\)\(v\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

Modifications etc. (not altering text)

- C3** S. 66 applied (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), [ss. 80\(3\)](#), 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(g) (with Sch.)

67 Prohibition of appeal to sheriff principal.

Where jurisdiction is conferred by this Act on the sheriff, there shall be no appeal to the sheriff principal.

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Sheep stock valuation

68 Sheep stock valuation.

- (1) This section and sections [^{F23}71 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 [^{F24}any method], referred to in this section ^{F25}... as a “sheep stock valuation”.

[^{F26}(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 [^{F27}Land 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 [^{F28}it] has made special allowance.

- (3) In a sheep stock valuation where the lease was entered into after 6th November 1946, the [^{F29}Land 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,

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 ”.

^{F30}(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

- F23** 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.)
- F24** 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.)
- F25** 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.)
- F26** 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.)
- F27** 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.)

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Part VII. (See end of Document for details)

- F28** 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.)
- F29** 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.)
- F30** 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.)

F31 69 Submission of questions of law for decision of sheriff.

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Textual Amendments

- F31** 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.)

F32 70 Determination by Land Court of questions as to value of sheep stock.

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Textual Amendments

- F32** 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.)

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 [^{F33}, 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

- F33** 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.)

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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;

^{F34}(b)

^{F34}(c)

Textual Amendments

- F34** 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.)

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Part VII.