

SCHEDULES

[^{F1}SCHEDULE 1A

RENT REVIEW

Textual Amendments

- F1** Sch. 1A inserted (23.12.2016 for the purpose of making regulations under sch. 1A paras. 2(4), 9(1), 10(6) and otherwise prosp.) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), ss. **101(3)**, **130(1)** (with s. 128); [S.S.I. 2016/365](#), reg. 2, sch.

Power of Land Court to phase in new rent

- 12 (1) This paragraph applies where the Land Court determines under paragraph 7(2) that the rent payable in respect of an agricultural holding (the “new rent”) is to be—
- (a) 30% or more higher, or
 - (b) 30% or more lower,
- than the rent currently payable in respect of the holding (the “original rent”).
- (2) The tenant or the landlord may apply to the Land Court to have the new rent phased in.
- (3) The Land Court may, if it considers that it would cause the tenant or, as the case may be, the landlord undue hardship were the new rent to be payable from the rent agreement date, order that the new rent be phased in over a 3 year period in accordance with sub-paragraphs (4) to (6).
- (4) The rent payable in the first year after the rent agreement date is—
- (a) where sub-paragraph (1)(a) applies, the sum of the original rent and one third of the difference between the new rent and the original rent, or
 - (b) where sub-paragraph (1)(b) applies, the original rent less one third of the difference between the original rent and the new rent.
- (5) The rent payable in the second year after the rent agreement date is—
- (a) where sub-paragraph (1)(a) applies, the sum of the original rent and two thirds of the difference between the new rent and the original rent, or
 - (b) where sub-paragraph (1)(b) applies, the original rent less two thirds of the difference between the original rent and the new rent.
- (6) The rent payable from the third year after the rent agreement date is the new rent.]

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Cross Heading: Power of Land Court to phase in new rent.