

Changes to legislation: Agricultural Holdings (Scotland) Act 1991, Paragraph 3 is up to date with all changes known to be in force on or before 28 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 8

SUPPLEMENTARY PROVISIONS WITH RESPECT TO PAYMENTS UNDER SECTION 56

Modifications etc. (not altering text)

- C1** Sch. 8 modified (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 54(6), 95(3), 95(4)** (with s. 95(2)); [S.S.I. 2003/548](#), art. 2(d) (with Sch.)

- 3 Where, on an application under paragraph 2 above, the tribunal are satisfied that—
- (a) the rent to which the application relates is not substantially higher than the rent which in their opinion would be determined for the holding in question [^{F1}by the Land Court or] on a reference to arbitration duly made in pursuance of—
- (i) section 13 of this Act; or
- (ii) in the case of a statutory small tenancy, the equitable rent which in their opinion would be fixed by the Land Court under section 32 (7) and (8) of the 1911 Act;
- (hereafter in this paragraph referred to as “the appropriate rent”); or
- (b) the rent to which the application relates is substantially higher than the appropriate rent but was not fixed by the parties to the relevant lease with a view to increasing the amount of any compensation payable, or of any sum to be paid by virtue of section 56(1) of this Act, in consequence of the compulsory acquisition or taking of possession of any land included in the holding,
- they shall dismiss the application; and if the tribunal do not dismiss the application in pursuance of the foregoing provisions of this paragraph they shall determine that, in the case to which the application relates, the sum to be paid by virtue of section 56(1) of this Act shall be ascertained in pursuance of the said section 13 by reference to the appropriate rent instead of by reference to the rent to which the application relates.

Textual Amendments

- F1** Words in Sch. 8 para. 3 inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), **Sch. para. 45(b)** (with s. 95(2)); [S.S.I. 2003/548](#), art. 2(i) (with Sch.)

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Changes and effects yet to be applied to :

- Sch. 8 para. 3(a)(i) words substituted by [2016 asp 18 Sch. 2 para. 11\(3\)\(b\)\(i\)](#)
- Sch. 8 para. 3(a)(i) words substituted by [2016 asp 18 Sch. 2 para. 11\(3\)\(b\)\(ii\)](#)