



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART V

OTHER PROVISIONS REGARDING COMPENSATION

Miscellaneous

46 Compensation for failure to repair or maintain fixed equipment.

- (1) This section applies where, by virtue of section 4 of this Act, the liability for the maintenance or repair of an item of fixed equipment is transferred from the tenant to the landlord.
- (2) Where this section applies, the landlord may within the period of one month beginning with the date on which the transfer takes effect require that there shall be determined by [^{F1}the Land Court], and paid by the tenant, the amount of any compensation which would have been payable under section 45(1)(b) of this Act in respect of any previous failure by the tenant to discharge the said liability, if the tenant had quitted the holding on the termination of his tenancy at the date on which the transfer takes effect.
- (3) Where this section applies, any claim by the tenant in respect of any previous failure by the landlord to discharge the said liability shall, if the tenant within the period of one month referred to in subsection (2) above so requires, be determined by [^{F2}the Land Court], and any amount directed by the [^{F3}determination] to be paid by the landlord shall be paid by him to the tenant.
- (4) For the purposes of section 45(3)(b) of this Act any compensation under this section shall be disregarded.

Textual Amendments

- F1** Word in s. 46(2) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 29\(a\)](#) (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, Section 46. (See end of Document for details)*

- F2** Words in s. 46(3) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 29\(b\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F3** Words in s. 46(3) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 29\(b\)\(ii\)](#) (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, Section 46.