



# Agricultural Holdings (Scotland) Act 1991

## 1991 CHAPTER 55

### PART V

#### OTHER PROVISIONS REGARDING COMPENSATION

##### *Miscellaneous*

#### **49 Compensation provisions to apply to parts of holdings in certain cases.**

(1) Where—

- (a) the tenancy of part of an agricultural holding terminates by reason of a notice to quit which is rendered valid by section 29 of this Act; or
- (b) the landlord of an agricultural holding resumes possession of part of the holding in pursuance of a provision in that behalf contained in the lease;

the provisions of this Act with respect to compensation shall apply as if that part of the holding were a separate holding which the tenant had quitted in consequence of a notice to quit.

- (2) In a case falling within subsection (1)(b) above, the [<sup>F1</sup>Land Court, in determining] the amount of compensation payable to the tenant, shall take into account any benefit or relief allowed to the tenant under the lease in respect of the land possession of which is resumed by the landlord.
- (3) Where any land comprised in a lease is not an agricultural holding within the meaning of this Act by reason only that the land so comprised includes land to which subsection (4) below applies, the provisions of this Act with respect to compensation for improvements and for disturbance shall, unless it is otherwise agreed in writing, apply to the part of the land exclusive of the land to which subsection (4) below applies as if that part were a separate agricultural holding.
- (4) This subsection applies to land which, owing to the nature of the building thereon or the use to which it is put, would not, if it had been separately let, be an agricultural holding.

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**Changes to legislation:** *There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 49. (See end of Document for details)*

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### **Textual Amendments**

- F1** Words in s. 49(2) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), **Sch. para. 30** (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 49.