



# Agricultural Holdings (Scotland) Act 1991

## 1991 CHAPTER 55

### PART VII

#### ARBITRATION AND OTHER PROCEEDINGS

##### **[<sup>F1</sup>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 [<sup>F2</sup>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—

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*Changes to legislation: There are currently no known outstanding effects for the  
Agricultural Holdings (Scotland) Act 1991, Section 61A. (See end of Document for details)*

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- (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**

- F1** 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.)
- F2** 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.

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 61A.