



# Agricultural Holdings (Scotland) Act 1991

## 1991 CHAPTER 55

### PART II

#### TERMS OF LEASES AND VARIATIONS THEREOF

#### **8 Record of condition, etc., of holding.**

- (1) The landlord or the tenant of an agricultural holding may, at any time during the tenancy, require the making of a record of the condition of the fixed equipment on, and of the cultivation of, the holding.
- (2) The tenant may, at any time during the tenancy, require the making of a record of—
  - (a) existing improvements carried out by him or in respect of the carrying out of which he has, with the consent in writing of his landlord, paid compensation to an outgoing tenant;
  - (b) any fixtures or buildings which, under section 18 of this Act, he is entitled to remove.
- [<sup>F1</sup>(3) A record under this section shall be made by a person to be appointed by agreement between the parties; but, in the absence of such agreement, the Scottish Ministers shall on the application of either party appoint a person to make the record.
- (3A) The Scottish Ministers may charge such reasonable fee as they may determine for making an appointment under subsection (3) above.
- (3B) The record shall be in such form as the parties agree or, in the absence of such agreement, as the recorder considers appropriate.]
- (4) A record made under this section shall show any consideration or allowances which have been given by either party to the other.
- (5) Subject to section 5 of this Act, a record may, if the landlord or the tenant so requires, be made under this section relating to a part only of the holding or to the fixed equipment only.

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*Changes to legislation: There are currently no known outstanding effects for the  
Agricultural Holdings (Scotland) Act 1991, Section 8. (See end of Document for details)*

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- (6) Any question or difference between the landlord and the tenant arising out of the making of a record under this section shall<sup>F2</sup>... be referred to the Land Court for determination by them.
- (7) The cost of making a record under this section shall, in default of agreement between the landlord and the tenant, be borne by them in equal shares.
- (8) The remuneration of [<sup>F3</sup>any] person appointed by the Secretary of State to make a record under this section shall be such amount as the Secretary of State may fix, and any other expenses of and incidental to the making of the record shall be subject to taxation by the auditor of the sheriff court, and that taxation shall be subject to review by the sheriff.
- (9) The remuneration of [<sup>F3</sup>any] person appointed by the Secretary of State to make a record under this section shall be recoverable by that person from either the landlord or the tenant, but any amount paid by either of those parties in respect of—
  - (a) that remuneration, or
  - (b) any other expenses of and incidental to the making of the record,
in excess of the share payable by him under subsection (7) above of the cost of making the record, shall be recoverable by him from the other party.

#### Textual Amendments

- F1** S. 8(3)-(3B) substituted for s. 8(3) (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 61(1)(a)**, 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)
- F2** Words in s. 8(6) repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 61(1)(b)**, 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)
- F3** Words in s. 8(8)(9) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 61(1)(c)**, 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.); S.S.I. 2003/548, art. 2(e) (with Sch.)

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 8.