



Agriculture (Scotland) Act 1948

1948 CHAPTER 45

PART I

AGRICULTURAL HOLDINGS.

General.

22 Provisions as to arbitration.

- (1) Without prejudice to any other provision of this Act or of the Act of 1923, any claim of whatever nature by the tenant or the landlord of a holding against his landlord or his tenant, being a claim which arises—
- (a) under the Agricultural Holdings (Scotland) Acts, 1923 and 1931, or this Act or any custom or agreement, and
 - (b) on or out of the termination of the tenancy of the holding or part thereof after the commencement of this Part of this Act,
- shall, subject to the provisions of this section, be determined by arbitration.

- (2) Without prejudice to any other provision of this Act or of the Act of 1923, no such claim as aforesaid shall be enforceable unless before the expiration of two months from the termination of the tenancy the claimant has served notice in writing on his landlord or his tenant, as the case may be, of his intention to make the claim.

A notice under this subsection shall specify the nature of the claim, and it shall be a sufficient specification thereof if the notice refers to the statutory provision, custom, or term of an agreement under which the claim is made.

- (3) The landlord and the tenant may within the period of four months from the termination of the tenancy by agreement in writing settle any such claim as aforesaid, and the Secretary of State may upon the application of the landlord or the tenant made within that period extend the said period by two months and, on a second such application made during those two months, by a further two months.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4) Where before the expiration of the said period and any extension thereof under the last foregoing subsection any such claim as aforesaid has not been settled, the claim shall cease to be enforceable unless before the expiration of one month from the end of the said period and any such extension, or within such longer time as the Secretary of State may in special circumstances allow, an arbiter has been appointed by agreement between the landlord and the tenant under the provisions in that behalf of the Act of 1923, or an application for the nomination of an arbiter under those provisions has been made by the landlord or the tenant.
- (5) Where a tenant lawfully remains in occupation of part of a holding after the termination of a tenancy, references in subsections (2) and (3) of this section to the termination thereof shall be construed as references to the termination of the occupation.
- (6) Nothing in section forty-six of the Act of 1923 (which contains a general saving for the remedies of a landlord or tenant) shall be construed as limiting the generality of the provisions of subsection (1) of this section.
- (7) Subsection (1) of section six and subsection (2) of section fifteen of the Act of 1923 (which relate to the reference of matters to arbitration) shall cease to have effect; and in subsection (1) of the said section fifteen for the words from the beginning to " any other question or difference " there shall be substituted the words " Save as otherwise expressly provided in this Act, any question or difference ".