

Agricultural Holdings (Scotland) Act 2003

AGRICULTURAL HOLDINGS (SCOTLAND) ACT 2003

PART 1

AGRICULTURAL TENANCIES

CHAPTER 1

TYPES OF TENANCY

Tenancies under the 1991 Act

- 1 Application of the 1991 Act to agricultural holdings
- 2 Conversion from 1991 Act tenancy to limited duration tenancy

Leases for grazing or mowing

3 Leases for grazing or mowing

New types of tenancy

- 4 Short limited duration tenancies
- 5 Limited duration tenancies

CHAPTER 2

GENERAL PROVISION AS TO NEW TYPES OF TENANCY

Short limited duration tenancies and limited duration tenancies: general provision

- 6 Assignation, subletting and termination of short limited duration tenancies
- 7 Assignation and subletting of limited duration tenancies
- 8 Continuation and termination of limited duration tenancies
- 9 Review of rent under limited duration tenancies
- 10 Increase in rent: landlord's improvements

Changes to legislation: Agricultural Holdings (Scotland) Act 2003 is up to date with all changes known to be in force on or before 14 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 11 Variation of rent by Land Court
- 12 Right of tenant to withhold rent
- Written leases and the revision of certain leases
- 14 Freedom of cropping and disposal of produce
- 15 Permanent pasture
- 16 Fixed equipment etc.
- 17 Resumption of land by landlord
- 18 Irritancy of lease and good husbandry
- 19 Resumption and irritancy: supplementary

Succession to short limited duration tenancies and limited duration tenancies

- 20 Section 16 of the Succession (Scotland) Act 1964
- 21 Bequest of lease
- 22 Right of landlord to object to acquirer of tenancy
- 23 Effect of termination of tenancy where tenant deceased

PART 2

TENANT'S RIGHT TO BUY LAND

Registration of interest and the right to buy

- 24 The Keeper and the Register
- 25 Registration of tenant's interest
- 26 Notice of proposal to transfer land
- 27 Transfers not requiring notice
- 28 Right to buy
- 29 Exercise of right to buy
- 30 Meaning of "creditor in a standard security with a right to sell land"
- 31 Effect of extinguishing of right to buy

Procedure for buying and valuation

- 32 Procedure for buying
- 33 Appointment of valuer
- 34 Valuation of the land
- 35 Special provision where buyer is general partner in limited partnership
- 36 Valuation etc.: further provision
- 37 Appeal to Lands Tribunal against valuation
- 38 Referral of certain matters by Lands Tribunal to Land Court

PART 3

USE OF AGRICULTURAL LAND: DIVERSIFICATION

- 39 Use of land for non-agricultural purposes
- 40 Notice of and objection to diversification
- 41 Imposition of conditions by Land Court
- 42 Tenant's right to timber

Document Generated: 2023-09-14

Status: Point in time view as at 27/11/2003.

Changes to legislation: Agricultural Holdings (Scotland) Act 2003 is up to date with all changes known to be in force on or before 14 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART 4

COMPENSATION UNDER AGRICULTURAL TENANCIES

CHAPTER 1

COMPENSATION FOR IMPROVEMENTS

1991 Act tenancies

- 43 Agreements as to compensation for improvements
- 44 Amount of compensation where grant made to tenant

Short limited duration tenancies and limited duration tenancies

- 45 Right to compensation for improvements
- 46 Payment of compensation by incoming tenant
- 47 Amount of compensation
- 48 Consent required for compensation in certain cases
- 49 Notice required for certain improvements

CHAPTER 2

COMPENSATION FOR DISTURBANCE AND DIVERSIFICATION ETC.

1991 Act tenancies

- 50 Compensation for disturbance and for damage by game
- 51 Compensation arising as a result of diversification etc.

Short limited duration tenancies and limited duration tenancies

- 52 Compensation for disturbance
- 53 Compensation for other particular things

CHAPTER 3

COMPENSATION WHERE COMPULSORY ACQUISITION OF LAND

54 Compensation where compulsory acquisition of land

CHAPTER 4

MISCELLANEOUS PROVISION AS TO COMPENSATION

- 55 Right to compensation for yielding vacant possession
- 56 No right to penal rent etc.
- 57 Provision as to parts of land and divided land
- 58 Compensation not payable where direction as to permanent pasture
- 59 Extent to which compensation recoverable under agreements

PART 5

MISCELLANEOUS AMENDMENTS TO THE 1991 ACT

60 Agreements as to fixed equipment

Changes to legislation: Agricultural Holdings (Scotland) Act 2003 is up to date with all changes known to be in force on or before 14 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 61 Making of records
- 62 Interdict in certain cases
- 63 Variation of rent
- 64 Tenant's right to withhold rent
- 65 Termination of tenancy
- 66 Assignation and subletting of tenancy
- 67 Notices to quit
- 68 Restoration of agricultural holding following mineral exploitation
- 69 Good husbandry and conservation activities

PART 6

RIGHTS OF CERTAIN PERSONS WHERE TENANT IS A PARTNERSHIP

- 70 Rights of certain persons where tenant is a partnership
- 71 Meaning of "family"
- 72 Rights of certain persons where tenant is a limited partnership
- 73 Termination of tenancy continued under section 72
- 74 Application of right to buy provisions

PART 7

JURISDICTION OF THE LAND COURT AND THE RESOLUTION OF DISPUTES

1991 Act tenancies

- 75 Jurisdiction of the Land Court
- 76 Arbitrations etc.

Short limited duration tenancies and limited duration tenancies etc.

- 77 Resolution of disputes by Land Court
- 78 Agreement to refer matters to arbitration
- 79 Arbitration: procedure etc.
- 80 Other provisions as to the resolution of disputes
- 81 Clauses in leases as to resolution of disputes

Jurisdiction of the Land Court: further provision

- 82 Amendment of the Scottish Land Court Act 1993
- 83 Power to amend Land Court's jurisdiction
- 84 Power of Land Court to grant remedies etc.
- 85 Remit from Land Court to sheriff or Court of Session
- 86 Remit to Land Court by sheriff or Court of Session
- 87 Transmission of case where contingency
- 88 Appeal from Land Court to Court of Session
- 89 Expenses in sheriff court and Court of Session
- 90 Conduct of arbiter and setting aside of arbiter's award

PART 8

GENERAL PROVISIONS

- 91 Orders and regulations
- 92 Ancillary provision
- 93 Interpretation
- 94 Amendments to enactments

Changes to legislation: Agricultural Holdings (Scotland) Act 2003 is up to date with all changes known to be in force on or before 14 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

95 Short title, Crown application and commencement

SCHEDULE — Amendments to enactments

- 1 After section 37 (notice of termination of tenancy) of the...
- 2 (1) In section 16 (provisions relating to leases) of the...
- 3 In paragraph 5 of Schedule 1 to the Conveyancing and...
- 4 In section 8 (which makes provision concerning property let under...
- 5 In section 13 (transfer of tenancy) of the Matrimonial Homes...
- 6 In section 25(1) (interpretation) of the Rent (Scotland) Act 1984,...
- 7 In section 7 (interpretation of sections 4 to 6) of...
- 8 Agriculture Act 1986 (c. 49)
- 9 In section 16 (rent arbitrations: milk quotas), after subsection (2)...
- 10 (1) In paragraph 7(2) of Schedule 2 (tenants' compensation for...
- 11 The 1991 Act
- 12 In section 4 (written leases and the revision of certain...
- 13 In section 5 (fixed equipment and insurance premiums), subsection (5)...
- 14 In section 9 (arbitration as to permanent pasture)—
- 15 In section 13 (variation of rent)— (a) in subsection (1)—...
- 16 For section 14 (arbitrations under sections 4 and 5) substitute—...
- 17 In section 15 (increase of rent for certain improvements by...
- 18 In section 19 (payments for implements, etc., sold on quitting),...
- 19 In section 20 (removal of tenant for non-payment of rent)—...
- 20 In section 21 (notice to guit and notice of intention...
- 21 In section 23 (consent by Land Court or arbitration on...
- 22 In section 31 (reduction of rent where tenant dispossessed of...
- 23 In section 32 (further restrictions on operation of certain notices...
- 24 In section 34(6) (right to compensation for improvements), for the...
- 25 In section 36(4) (amount of compensation), for the word "arbiter"...
- 26 In section 37(1) (consent necessary for some improvements), the words...
- 27 In section 41 (direction by Land Court that holding be...
- 28 In section 43 (compensation for disturbance)—(a) in subsection (3),...
- 29 In section 46 (compensation for failure to repair or maintain...
- 30 In section 49 (compensation provisions to apply to parts of...
- 31 In section 50 (determination of claims for compensation where holding...
- 32 In section 52 (compensation for damage by game), for the...
- 33 In section 55 (provisions supplementary to section 54), in subsection...
- 34 In section 62 (claims on termination of tenancy)—
- 35 Sections 63 and 64 are repealed.
- 36 In section 66 (power to enable demand to remedy breach...
- 37 In section 68 (sheep stock valuation)—(a) in subsection (1)—...
- 38 Sections 69 and 70 are repealed.
- 39 In section 71 (statement of sales of stock), after the...
- 40 In section 72 (interpretation of sections 68 to 71), paragraphs...
- 41 In section 80 (determination of matters where the Scottish Ministers...
- 42 In section 85 (interpretation), at the appropriate place there is...
- 43 In section 86 (construction of certain references), for the words...
- 44 Schedule 7 is repealed.
- 45 In Schedule 8 (supplementary provisions with respect to payments under...

Changes to legislation: Agricultural Holdings (Scotland) Act 2003 is up to date with all changes known to be in force on or before 14 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 46 In Schedule 9 (valuation of sheep stock in respect of...
- 47 In Schedule 10 (valuation of sheep stock in respect of...
- 48 In Schedule 1 to the Tribunals and Inquiries Act 1992,...
- 49 In the Crofters (Scotland) Act 1993—(a) in section 29...
- 50 In section 106 (contracting out of prisons) of the Criminal...
- 51 In section 35 (notice etc. of applications to owners and...
- 52 In section 149 (contracting out of certain detention centres) of...

Status:

Point in time view as at 27/11/2003.

Changes to legislation:

Agricultural Holdings (Scotland) Act 2003 is up to date with all changes known to be in force on or before 14 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.