



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 2 **S**

TENANT'S RIGHT TO BUY LAND

Procedure for buying and valuation

36 Valuation etc.: further provision **S**

- (1) The valuer is—
 - (a) to invite—
 - (i) the seller and the tenant; and
 - (ii) where the land forms part of an estate, any other person the valuer considers to have an interest in the estate,to make written representations about the matters mentioned in subsection (2); and
 - (b) to have regard to any such representations.
- (2) The matters are—
 - (a) the valuation of the land; and
 - (b) where the land forms part of an estate, any valuation of the estate (and any apportionment of a reduction in the value of the estate),under section 34.
- (3) The valuer may—
 - (a) enter onto land; and
 - (b) make any reasonable request of the seller and tenant,for the purposes of any assessment under section 34.
- (4) The valuer must, within 6 weeks of being appointed, send to the seller and the tenant a notice in writing specifying the price payable by the tenant under section 34(8) and setting out how the price was calculated.
- (5) The expenses of the valuer accrued in carrying out the valuer's functions under section 34 and this section are to be—

Changes to legislation: *Agricultural Holdings (Scotland) Act 2003, Section 36 is up to date with all changes known to be in force on or before 29 December 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) View outstanding changes*

- (a) met by the tenant; or
 - (b) where subsection (2) of section 33 applies, shared equally between the tenants mentioned in that subsection.
- (6) Where—
- (a) the Land Court has made an order under section 32(7);
 - (b) the tenant to whom the order applies has complied with the order; and
 - (c) the seller does not proceed with the sale of the land to the tenant,
- the seller is liable to the tenant for any expenses met by the tenant by virtue of subsection (5).
- (7) The Scottish Ministers may by regulations make further provision for or in connection with the matters provided for in this section and sections 33 and 34.

Commencement Information

- I1** S. 36(1)-(6) in force at 15.12.2004 by [S.S.I. 2004/511](#), **art. 2**
- I2** S. 36(7) in force at 27.11.2003 by [S.S.I. 2003/548](#), **art. 2(b)(vi)** (with [Sch.](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7C inserted by [2016 asp 18 s. 93\(2\)](#)
- s. 7D inserted by [2016 asp 18 s. 106\(2\)](#)
- s. 8F8G inserted by [2016 asp 18 s. 94\(2\)](#)
- s. 16B inserted by [2016 asp 18 s. 95\(2\)](#)
- s. 17A inserted by [2016 asp 18 s. 96\(2\)](#)
- s. 18B inserted by [2016 asp 18 s. 97\(2\)](#)
- s. 26(1)(1A) substituted for s. 26(1) by [2016 asp 18 s. 99\(4\)\(a\)](#)
- s. 26(3) inserted by [2016 asp 18 s. 99\(4\)\(c\)](#)