



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

[^{F1}PART 2A

SALE WHERE LANDLORD IN BREACH

Post-sale obligations

[^{F1}38P Compensation

- (1) Any person, including an owner or former owner of land comprised in the lease of a 1991 Act tenancy, who has incurred loss or expense—
 - (a) in complying with the requirements of this Part following the making of an application by a tenant under section 38A(2) or 38L(2), or
 - (b) where the tenant gave notice under section 38E(3) of the tenant's intention to buy the land, as a result of the failure of the tenant or the seller to complete the purchase,is entitled to recover the amount of that loss or expense from the Scottish Ministers.
- (2) The Scottish Ministers may by regulations make provision about—
 - (a) the losses and expenses which may and may not be compensated,
 - (b) the procedure for claiming compensation (including who determines whether compensation is payable),
 - (c) the amount of compensation payable (including the manner in which such compensation is calculated).
- (3) Where, at the expiry of such period of time as may be fixed for the purposes of this subsection by regulations under subsection (2)(b), any question as to whether compensation is payable or as to the amount of any compensation payable has not been settled as between the parties, either of them may refer the question to the Lands Tribunal for Scotland.]

Textual Amendments

- F1** Pt. 2A inserted (23.12.2016 for specified purposes) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), ss. [100\(2\)](#), [130\(1\)](#) (with s. 128); S.S.I. 2016/365, reg. 2, sch.

Status:

Point in time view as at 23/12/2016.

Changes to legislation:

Agricultural Holdings (Scotland) Act 2003, Section 38P is up to date with all changes known to be in force on or before 12 November 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.