



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 3

USE OF AGRICULTURAL LAND: DIVERSIFICATION

41 Imposition of conditions by Land Court

- (1) Where [^{F1}, on an application made by the landlord under section 40A(2),] the Land Court determines that an objection by the landlord to a notice of diversification is unreasonable—
 - (a) the objection is of no effect; and
 - (b) the land may be used—
 - (i) as mentioned in paragraph (a) of subsection (4) of section 40; and
 - (ii) from such date as the Court may fix,subject to any conditions imposed under subsection (2).
- (2) Where, by virtue of subsection (1), the land may be used as mentioned in section [^{F2}40(4)(a) or (5A)] , the Land Court may impose on the tenant such reasonable conditions in relation to the use of the land as so mentioned as it considers appropriate.
- (3) Where [^{F3}, on the application of the tenant,] the Land Court determines that a condition imposed by the landlord under section 40(10) [^{F4}or, as the case may be, (14)] is unreasonable, the Court may—
 - (a) remove the condition; and
 - (b) in its place, impose on the tenant such reasonable conditions as it considers appropriate.

Textual Amendments

- F1** Words in s. 41(1) inserted (23.12.2016) by Land Reform (Scotland) Act 2016 (asp 18), ss. 121(4)(a), 130(1) (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with reg. 12)
- F2** Words in s. 41(2) substituted (23.12.2016) by Land Reform (Scotland) Act 2016 (asp 18), ss. 121(4)(b), 130(1) (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with reg. 12)
- F3** Words in s. 41(3) inserted (23.12.2016) by Land Reform (Scotland) Act 2016 (asp 18), ss. 121(4)(c)(i), 130(1) (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with reg. 12)

Changes to legislation: *Agricultural Holdings (Scotland) Act 2003, Section 41 is up to date with all changes known to be in force on or before 25 May 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*

F4 Words in s. 41(3) inserted (23.12.2016) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 121(4)(c)(ii), 130(1)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with reg. 12)

Commencement Information

I1 S. 41 in force at 27.11.2003 by S.S.I. 2003/548, **art. 2(c)** (with Sch.)

Changes to legislation:

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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\(4\)\(c\)](#)