



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### PART 4

#### COMPENSATION UNDER AGRICULTURAL TENANCIES

### CHAPTER 4

#### MISCELLANEOUS PROVISION AS TO COMPENSATION

#### **59 Extent to which compensation recoverable under agreements**

- (1) Where by virtue of any provision of this Part compensation is payable to a landlord or tenant of a short limited duration tenancy or a limited duration tenancy, that person—
  - (a) is entitled to such compensation notwithstanding the terms of any agreement between them; and
  - (b) is not entitled to such compensation except by virtue of that provision,but this subsection is subject to any express provision by virtue of this Part to the contrary.
- (2) Where the landlord and tenant agree in writing for such a variation of the terms of the lease as may be made by a direction by virtue of section 15, the agreement may also provide for the exclusion of compensation on the same basis as under section 58(1).
- (3) In a case for which there is no provision for compensation by virtue of this Part, a claim for compensation by a landlord or tenant of a short limited duration tenancy or a limited duration tenancy is not enforceable except under an agreement in writing.