



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### PART 5

#### MISCELLANEOUS AMENDMENTS TO THE 1991 ACT

#### 61 Making of records

- (1) In section 8 (record of condition, etc. of holding) of the 1991 Act—
- (a) for subsection (3) there is substituted—
    - “(3) A record under this section shall be made by a person to be appointed by agreement between the parties; but, in the absence of such agreement, the Scottish Ministers shall on the application of either party appoint a person to make the record.
    - (3A) The Scottish Ministers may charge such reasonable fee as they may determine for making an appointment under subsection (3) above.
    - (3B) The record shall be in such form as the parties agree or, in the absence of such agreement, as the recorder considers appropriate.”;
  - (b) in subsection (6), the words “, on the application of the landlord or tenant,” are repealed; and
  - (c) in each of subsections (8) and (9), for the word “the” in the second place where it appears there is substituted “any”.
- (2) In section 80 (determination of matters where the Scottish Ministers are landlord or tenant) of that Act—
- (a) in subsection (2), after “Act” insert “(except section 8)”; and
  - (b) after that subsection there is inserted—
    - “(3) Where this section applies, section 8 of this Act shall have effect—
      - (a) with the substitution for “Scottish Ministers” in subsection (3) of “sheriff”;
      - (b) as if subsection (3A) were omitted.”.