



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 5 **S**

MISCELLANEOUS AMENDMENTS TO THE 1991 ACT

63 Variation of rent **S**

In section 13 (variation of rent) of the 1991 Act—

- (a) in subsection (2), for the word “(7)” there is substituted “(7A)”;
- (b) in subsection (3), for the words from “there” to the end there is substituted “disregarding—
 - (a) any effect on rent of the fact that the tenant is in occupation of the holding; and
 - (b) any distortion in rent due to a scarcity of lets,

but having regard to the matters referred to in subsection (4) below.”;

- (c) for subsection (4) there is substituted—

“(4) For the purposes of determining the rent payable under subsection (3) above, the Land Court shall have regard to the following—

- (a) information about rents of other agricultural holdings (including when fixed) and any factors affecting those rents (or any of them) except any distortion due to a scarcity of lets; and
 - (b) the current economic conditions in the relevant sector of agriculture.”;
- (d) in subsection (7)—
 - (i) the words from “any” to the end become paragraph (a); and
 - (ii) after that paragraph there is inserted “; or
 - (b) any reduction in the rental value of the holding resulting from—
 - (i) the use of the land or part of the land, or changes to the land, for a purpose that is not an agricultural purpose; or
 - (ii) the carrying out of conservation activities on the land.”; and

Changes to legislation: *Agricultural Holdings (Scotland) Act 2003, Section 63 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*

(e) after that subsection there is inserted—

“(7A) The Land Court shall take into account any increase in the rental value of the holding resulting from the use of the land for a purpose that is not an agricultural purpose.”.

Commencement Information

II S. 63 in force at 27.11.2003 by [S.S.I. 2003/548](#), **art. 2(e)** (with [Sch.](#))

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Changes and effects yet to be applied to :

- s. 63 repealed by [2016 asp 18 Sch. 2 para. 12\(3\)](#)

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