



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### PART 7

#### JURISDICTION OF THE LAND COURT AND THE RESOLUTION OF DISPUTES

*Short limited duration tenancies and limited duration tenancies etc.*

#### 78 Agreement to refer matters to arbitration

- (1) Subject to subsection (2), where by virtue of this Act [<sup>F1</sup>or by virtue of section 116 of the Land Reform (Scotland) Act 2016] any matter may be determined by the Land Court, the matter may, if the landlord and tenant so agree at or after the time when the matter arises, instead of being so determined, be determined by—
- (a) arbitration; or
  - (b) any other method of resolving the matter.
- (2) Subsection (1) does not apply in relation to any matter which may be determined by the Land Court—
- (a) in pursuance of [<sup>F2</sup>section 21 or 22]; or
  - (b) on appeal.

#### Textual Amendments

- F1** Words s. 78(1) inserted (13.6.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), [ss. 118\(3\)\(a\)\(i\), 130\(1\)](#) (with [s. 128](#)); [S.S.I. 2017/20](#), [reg. 2](#), [Sch.](#)
- F2** Words s. 78(2) substituted (13.6.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), [ss. 118\(3\)\(a\)\(ii\), 130\(1\)](#) (with [s. 128](#)); [S.S.I. 2017/20](#), [reg. 2](#), [Sch.](#)

#### Commencement Information

- I1** S. 78 in force at 27.11.2003 by [S.S.I. 2003/548](#), [art. 2\(g\)](#) (with [Sch.](#))

**Changes to legislation:**

Agricultural Holdings (Scotland) Act 2003, Section 78 is up to date with all changes known to be in force on or before 21 July 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.

[View outstanding changes](#)

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