Land Reform (Scotland) Act 2016

2016 asp 18

PART 10

AGRICULTURAL HOLDINGS

CHAPTER 8

COMPENSATION FOR TENANT'S IMPROVEMENTS

Amnesty for tenant's improvements

112 Amnesty for certain improvements by tenant

(1) This Chapter applies where, in respect of a relevant improvement—

(a) a tenant of an agricultural holding to which the 1991 Act applies intends to claim compensation under section 34 of that Act, or

(b) a tenant—

(i) under a short limited duration tenancy within the meaning of section 4 of the 2003 Act,

(ii) under a limited duration tenancy within the meaning of section 5 of that Act, or

(iii) under a modern limited duration tenancy within the meaning of section 5A of that Act,

intends to claim compensation under section 45 of that Act.

(2) A "relevant improvement" is a Part 1, Part 2 or Part 3 improvement completed before the beginning of the amnesty period.

(3) In this Chapter the "amnesty period" means the period of 3 years **[**[F1]and 6 months**]** beginning with the day on which this section comes into force.

(4) A tenant may give notice of the relevant improvement to the landlord in accordance with section 114.

(5) A tenant may not give such notice where—

Status: *Point in time view as at 12/06/2020.*
Changes to legislation: *Land Reform (Scotland) Act 2016, Section 112 is up to date with all changes known to be in force on or before 12 July 2024. 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)*

(a) in relation to a Part 1 improvement—

(i) the tenant carried out the improvement without the landlord's consent, or

(ii) the landlord gave consent, whether orally or in writing, and the tenant carried out the improvement in a manner substantially different to the manner consented to,

(b) in relation to a Part 2 improvement, the tenant had given notice under section 38(1) of the 1991 Act or, as the case may be, under section 49(1) of the 2003 Act and—

(i) the tenant carried out the improvement in a manner substantially different to the manner proposed in the notice,

(ii) the landlord objected to the improvement under section 39(1) of the 1991 Act or, as the case may be, under section 49(2) of the 2003 Act (as read with section 39(1) of the 1991 Act), or

(iii) the tenant carried out the improvement in breach of any decision of the Land Court under section 39(2) of the 1991 Act or, as the case may be, under section 49(2) of the 2003 Act (as read with section 39(2) of the 1991 Act),

(c) in relation to a Part 3 improvement, the tenant had given notice under section 34(8) of the 1991 Act and the tenant carried out the improvement in a manner substantially different to the manner proposed in the notice.

(6) Nothing in this section affects the extent to which compensation for a relevant improvement is recoverable by a tenant under custom, agreement or otherwise by virtue of the 1991 Act or 2003 Act in lieu of any compensation by virtue of this Chapter.

(7) In this section—

(a) a “Part 1 improvement” means—

(i) an improvement specified in Part 1 of schedule 3 of the 1991 Act and begun before 31 July 1931,

(ii) an improvement specified in Part 1 of schedule 4 of the 1991 Act and begun on or after 31 July 1931 and before 1 November 1948, or

(iii) an improvement specified in Part 1 of schedule 5 of the 1991 Act, and begun on or after 1 November 1948,

(b) a “Part 2 improvement” means—

(i) an improvement specified in Part 2 of schedule 3 of the 1991 Act and begun before 31 July 1931,

(ii) an improvement specified in Part 2 of schedule 4 of the 1991 Act and begun on or after 31 July 1931 and before 1 November 1948, or

(iii) an improvement specified in Part 2 of schedule 5 of the 1991 Act and begun on or after 1 November 1948,

(c) a “Part 3 improvement” means—

(i) an improvement specified in paragraph 29 of schedule 3 of the 1991 Act and begun before 31 July 1931, or

(ii) an improvement specified in paragraph 29 of schedule 4 of the 1991 Act and begun on or after 31 July 1931 and before 1 November 1948.

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Textual Amendments

F1 Words in s. 112(3) inserted (12.6.2020) by The Land Reform (Scotland) Act 2016 (Supplementary Provision) (Coronavirus) Regulations 2020 (S.S.I. 2020/174), regs. 1(1), **2**

Commencement Information

I1 S. 112 in force at 13.6.2017 by S.S.I. 2017/20, reg. 2, **sch.** (with reg. 3)

Status:
Point in time view as at 12/06/2020.

Changes to legislation:
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