



Land Reform (Scotland) Act 2016

2016 asp 18

PART 10

AGRICULTURAL HOLDINGS

CHAPTER 8

COMPENSATION FOR TENANT'S IMPROVEMENTS

Objection to amnesty notice and referral to Land Court

116 Referral to Land Court

- (1) Where the landlord has given notice of objection under section 115(1), the tenant may, before the end of the period of 2 months beginning with the day on which the tenant received the notice of objection, apply to the Land Court for approval of the relevant improvement for the purposes of section 34 of the 1991 Act or, as the case may be, section 45 of the 2003 Act.
- (2) The Land Court may—
 - (a) approve the carrying out of the relevant improvement—
 - (i) unconditionally, or
 - (ii) upon such terms, as to reduction of the compensation which would otherwise be payable or as to other matters, as appears to it to be appropriate, or
 - (b) withhold its approval.
- (3) Before approving a relevant improvement, the Land Court must be satisfied that—
 - (a) the landlord has benefited or would benefit from the improvement, and
 - (b) in all the circumstances it is just and equitable for compensation to be payable by the landlord for the improvement on the tenant quitting the holding at the termination of the tenancy.
- (4) No compensation is payable to the tenant to the extent that the Land Court determines that—

Status: *This is the original version (as it was originally enacted).*

- (a) the landlord carried out the improvement, or
- (b) the landlord gave or allowed a benefit to the tenant (under the lease or otherwise) in consideration of the tenant carrying out the improvement, whether or not the landlord agreed such benefit in writing.