



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.

77 Resolution of disputes by Land Court

- (1) The Land Court has jurisdiction to hear and determine any of the matters referred to in subsection (2).
- (2) Those matters are—
 - (a) whether—
 - (i) a short limited duration tenancy;
 - (ii) a limited duration tenancy; ^{F1}...
 - [^{F2}(iia) a modern limited duration tenancy, or
 - (iib) a repairing tenancy,]
 - (iii) a tenancy to which section 3 applies, exists or has been terminated;
 - (b) any question or difference between the landlord and tenant arising out of or in connection with any such tenancy, whether the question or difference arises during the currency of or on or after the termination of the tenancy;
 - (c) any claim by the landlord or tenant of any such tenancy against the other which arises, by virtue of this Act or under any rule of law, custom or agreement, on or out of the termination of the tenancy or of any part of it;
 - (d) any other issue of fact or law relating to—
 - (i) any such tenancy or a 1991 Act tenancy; or
 - (ii) agriculture,which the landlord or tenant reasonably require to have resolved.
- (3) Such matters do not include any question as to—
 - (a) who is entitled to succeed to the estate of a deceased person on intestacy by virtue of the Succession (Scotland) Act 1964 (c. 41);

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- (b) the validity of
 - (i) any bequest; or
 - (ii) any transfer,
 of any interest under the lease constituting the tenancy; or
 - (c) whether any such transfer is in the best interests of the estate of a deceased person.
- (4) The Land Court also has jurisdiction to hear and determine any question or difference, between the tenant under a limited duration tenancy^{F3}, a modern limited duration tenancy or a repairing tenancy] and any person with whom the tenant has in pursuance of section 7(1) ^{F4}or, as the case may be, 7B(1), 7D(1) or 7D(7)] entered into a contract assigning the tenant's interest under the lease constituting the tenancy, which arises out of or in connection with the assignment.
- (5) Any application to the Land Court for a matter to be determined by the Court by virtue of this Act may be made by either party or by them jointly.
- (6) Any reference in this section to a landlord or tenant of a tenancy is to be construed as including a person who was formerly the landlord or tenant of the tenancy.
- (7) Any other provision of an enactment which provides for the determination of any matter by the Land Court is without prejudice to this section.

Textual Amendments

- F1** Word in s. 77(2)(a) repealed (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(27\)\(a\)\(i\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 12)
- F2** S. 77(2)(a)(iia)(iib) inserted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(27\)\(a\)\(ii\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 12)
- F3** Words in s. 77(4) inserted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(27\)\(b\)\(i\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 12)
- F4** Words in s. 77(4) inserted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(27\)\(b\)\(ii\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 12)

Commencement Information

- I1** S. 77 in force at 27.11.2003 by [S.S.I. 2003/548](#), [art. 2\(g\)](#) (with Sch.)

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