



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART II

TERMS OF LEASES AND VARIATIONS THEREOF

^{X1}[^{F1}Rent review

Editorial Information

- X1** Editorial note: The substitution of s. 13 and its cross-heading and the insertion of sch. 1A by the [Land Reform \(Scotland\) Act 2016 \(asp 18\), s. 101\(2\)\(3\)](#) (version dated 23.12.2016 on the timeline) has been brought into force only for the purpose of making regulations under paras. 2(4), 9(1) and 10(6) of sch. 1A. For s. 13 and its cross-heading as it otherwise remains in force, see the version dated 22.3.2011.

Textual Amendments

- F1** S. 13 and cross-heading substituted (23.12.2016 for the purpose of making regulations under sch. 1A paras. 2(4), 9(1), 10(6) and otherwise prosp.) by [Land Reform \(Scotland\) Act 2016 \(asp 18\), ss. 101\(2\), 130\(1\)](#) (with s. 128); [S.S.I. 2016/365, reg. 2, sch.](#)

^{X1}13 Rent review

Schedule 1A makes provision for review of the rent payable in respect of an agricultural holding.]

[^{F2}14 Determination by the Land Court under sections 4 and 5

Where it appears to the Land Court—

- (a) that, by reason of any provision which it is required by section 4 of this Act to include in its determination; or
- (b) that, by reason of any provision included in its determination on any question as to the liability of a landlord or tenant under section 5 of this Act,

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it is equitable that the rent of the holding should be varied, it may vary the rent accordingly.]

Textual Amendments

F2 S. 14 substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 16](#) (with s. 95(2)); [S.S.I. 2003/548](#), art. 2(i) (with Sch.)

[^{F3}14A Landlord improvement notices

- (1) This section applies where the landlord of an agricultural holding intends to carry out a relevant improvement.
- (2) A “relevant improvement” is an improvement specified in schedule 5 which is not intended to be carried out—
 - (a) at the request of or in agreement with the tenant,
 - (b) in pursuance of an undertaking given by landlord under section 39(3), or
 - (c) in pursuance of a direction given by the Scottish Ministers under powers conferred on them by or under any enactment.
- (3) The landlord must give notice in writing to the tenant before carrying out the relevant improvement, unless section 14F applies.
- (4) A notice served in accordance with this section is a “landlord improvement notice”.
- (5) A landlord improvement notice must be dated and state the following—
 - (a) the names and designations of the landlord and the tenant,
 - (b) the name (if any) and the address of the holding or such other description of the holding as will identify it,
 - (c) details of the intended improvement, including the manner of the improvement,
 - (d) the landlord's reasons as to why the improvement is necessary to enable the tenant to fulfil the tenant's responsibilities to farm the holding in accordance with the rules of good husbandry.

Textual Amendments

F3 Ss. 14A-14F inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), [ss. 119\(2\)](#), [130\(1\)](#) (with s. 128); [S.S.I. 2016/365](#), [reg. 2](#), [sch.](#) (with [reg. 9](#))

14B Objection by tenant

- (1) Where the landlord has given a landlord improvement notice under section 14A, the tenant may object to the improvement or to part of it by giving notice in writing to the landlord before the end of the period of 2 months beginning with the day on which the tenant received the landlord improvement notice.
- (2) A notice under subsection (1) must be dated and must state the tenant's reasons as to why the improvement is not necessary to enable the tenant to fulfil the tenant's responsibilities to farm the holding in accordance with the rules of good husbandry.

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Textual Amendments

F3 Ss. 14A-14F inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 119(2), 130(1)** (with s. 128); [S.S.I. 2016/365, reg. 2, sch.](#) (with reg. 9)

14C Referral to Land Court

- (1) Where the tenant has given notice of objection under section 14B the landlord may, before the end of the period of 2 months beginning with the day on which the landlord received the notice of objection, apply to the Land Court for approval of the relevant improvement.
- (2) The Land Court may—
 - (a) approve the carrying out of the relevant improvement—
 - (i) unconditionally, or
 - (ii) upon such terms as appear to it to be appropriate, or
 - (b) withhold its approval.
- (3) Before approving a relevant improvement, the Land Court must be satisfied that the improvement is necessary to enable the tenant to fulfil the tenant's responsibilities to farm the holding in accordance with the rules of good husbandry.

Textual Amendments

F3 Ss. 14A-14F inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 119(2), 130(1)** (with s. 128); [S.S.I. 2016/365, reg. 2, sch.](#) (with reg. 9)

14D Notice of dates of improvement

- (1) This section applies where an improvement is to be carried out by the landlord—
 - (a) at the request of or in agreement with the tenant,
 - (b) in pursuance of an undertaking given by the landlord under section 39(3),
 - (c) in pursuance of a direction given by the Scottish Ministers under powers conferred on them by or under any enactment, or
 - (d) after the landlord has given a landlord improvement notice in accordance with section 14A and—
 - (i) the tenant has not given notice of objection in accordance with section 14B, or
 - (ii) the tenant has given such notice of objection but the Land Court has approved the improvement under section 14C(2)(a).
- (2) The landlord must give notice in writing to the tenant stating the period during which the landlord intends to carry out the improvement.
- (3) Unless the landlord and tenant agree otherwise, that period must not commence earlier than the expiry of 2 weeks beginning with the day on which the landlord gives notice under subsection (2).

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- (4) Where the landlord has not begun to carry out an improvement, notice of which has been given under subsection (2), and there is a good reason for postponing the carrying out of the improvement, the landlord may give a new notice under subsection (2).
- (5) Subsection (6) applies where the landlord has begun to carry out an improvement, notice of which has been given under subsection (2), and there is a good reason for extending the period during which the improvement is to be carried out.
- (6) The landlord may, at any time before the expiry of the period stated in the notice under subsection (2), extend the period by giving notice in writing to the tenant stating the extended period during which the landlord intends to carry out the improvement.
- (7) See section 14F on emergency improvements.

Textual Amendments

F3 Ss. 14A-14F inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 119(2)**, 130(1) (with [s. 128](#)); [S.S.I. 2016/365](#), [reg. 2](#), [sch.](#) (with [reg. 9](#))

14E Improvement by landlord without notice etc.

- (1) Subsection (2) applies where a landlord has carried out an improvement and—
 - (a) the landlord did not give notice of the improvement to the tenant in accordance with section 14A,
 - (b) the tenant objected to the improvement under section 14B and the Land Court has not approved the improvement under section 14C(2)(a),
 - (c) the improvement is in breach of any decision of the Land Court under section 14C,
 - (d) the improvement was not an emergency improvement as defined in section 14F.
- (2) Any such improvement is to be disregarded for the purposes of—
 - (a) assessing the tenant's responsibilities—
 - (i) in relation to farming the holding in accordance with the rules of good husbandry,
 - (ii) in relation to fixed equipment under section 5(2)(b)(ii).
 - (b) any subsequent rent review under schedule 1A.

Textual Amendments

F3 Ss. 14A-14F inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 119(2)**, 130(1) (with [s. 128](#)); [S.S.I. 2016/365](#), [reg. 2](#), [sch.](#) (with [reg. 9](#))

14F Emergency improvements

- (1) Where a landlord or a tenant considers that an emergency improvement is required, sections 14A(3) and 14D(2), (3), (5) and (6) do not apply.
- (2) In this section an “emergency improvement” means a relevant improvement that is necessary for the purposes of—

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- (a) protecting public health from infectious diseases, contamination or other hazards which constitute a danger to human health,
- (b) preventing a danger or potential danger to public safety,
- (c) enabling the tenant to comply with the requirements of the Animal Health and Welfare (Scotland) Act 2006,
- (d) securing the provision of essential services including electricity and water supply services, or
- (e) remedying an accident or natural cause or force majeure which was exceptional and could not reasonably have been foreseen.]

Textual Amendments

- F3** Ss. 14A-14F inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 119(2)**, 130(1) (with s. 128); [S.S.I. 2016/365](#), reg. 2, sch. (with reg. 9)

15 Increase of rent for certain improvements by landlord.

(1) Where the landlord of an agricultural holding has, whether before or after the commencement of this Act, carried out on the holding an improvement (whether or not one for the carrying out of which compensation is provided for under Part IV of this Act)—

- (a) at the request of, or in agreement with, the tenant,
- (b) in pursuance of an undertaking given by the landlord under section 39(3) of this Act, ^{F4}...
- (c) in compliance with a direction given by the Secretary of State under powers conferred on him by or under any enactment, [^{F5}, or
- (d) after giving a landlord improvement notice in accordance with section 14A and—
 - (i) the tenant has not given notice of objection in accordance with section 14B, or
 - (ii) the tenant has given such notice of objection but the Land Court has approved the improvement under section 14C.]

subject to subsections (2) and (3) below, the rent of the holding shall, if the landlord by notice in writing served on the tenant within 6 months from the completion of the improvement so requires, be increased as from the completion of the improvement by an amount equal to the increase in the rental value of the holding attributable to the carrying out of the improvement.

(2) Where any grant has been made to the landlord out of moneys provided by Parliament, in respect of an improvement to which subsection (1) above applies, the increase in rent provided for by that subsection shall be reduced proportionately.

^{F6}(3)

Textual Amendments

- F4** Word in s. 15(1) repealed (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 120(2)**, 130(1) (with s. 128); [S.S.I. 2016/365](#), reg. 2, sch.
- F5** S. 15(1)(d) and word inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 120(3)**, 130(1) (with s. 128); [S.S.I. 2016/365](#), reg. 2, sch.

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F6 S. 15(3) repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 17](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

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