



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART IV

COMPENSATION FOR IMPROVEMENTS

- 39 Compensation for Sch. 5, Pt.II, improvements conditional on approval of Land Court in certain cases.**
- (1) Subject to subsections (2) to (4) below, compensation under this Part of this Act shall not be payable in respect of a new improvement specified in Part II of Schedule 5 to this Act if, within one month after receiving notice under section 38(3) of this Act from the tenant of his intention to carry out the improvement, the landlord gives notice in writing to the tenant that he objects to the carrying out of the improvement or to the manner in which the tenant proposes to carry it out.
 - (2) Where notice of objection has been given under subsection (1) above, the tenant may apply to the Land Court for approval of the carrying out of the improvement, and on such application the Land Court may approve the carrying out of the improvement either—
 - (a) unconditionally, or
 - (b) upon such terms, as to reduction of the compensation which would otherwise be payable or as to other matters, as appears to them to be just,or may withhold their approval.
 - (3) If, on an application under subsection (2) above, the Land Court grant their approval, the landlord may, within one month after receiving notice of the decision of the Land Court, serve notice in writing on the tenant undertaking to carry out the improvement himself.
 - (4) Where, on an application under subsection (2) above the Land Court grant their approval, then if either—
 - (a) no notice is served by the landlord under subsection (3) above, or

*Changes to legislation: There are currently no known outstanding effects for the
Agricultural Holdings (Scotland) Act 1991, Section 39. (See end of Document for details)*

- (b) such a notice is served but, on an application made by the tenant in that behalf, the Land Court determines that the landlord has failed to carry out the improvement within a reasonable time,

the tenant may carry out the improvement and shall be entitled to compensation under this Part of this Act in respect thereof as if notice of objection had not been given by the landlord, and any terms subject to which the approval was given shall have effect as if they were contained in an agreement in writing between the landlord and the tenant.

.....
Modifications etc. (not altering text)

- C1** S. 39(1)-(4) applied (with modifications) (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003](#) (asp 11), **ss. 49(2)**, 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(d) (with Sch.)

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 39.