



# Agricultural Holdings (Scotland) Act 1991

## 1991 CHAPTER 55

### PART VII

#### ARBITRATION AND OTHER PROCEEDINGS

#### 61 Arbitrations

- (1) Any matter which by or under this Act, or by regulations made thereunder, or under the lease of an agricultural holding is required to be determined by arbitration shall, whether the matter arose before or after the passing of this Act, be determined, notwithstanding any agreement under the lease or otherwise providing for a different method of arbitration, by a single arbiter in accordance with the provisions of Schedule 7 to this Act, and the Arbitration (Scotland) Act 1894 shall not apply to any such arbitration.
- (2) An appeal by application to the Land Court by any party to an arbitration under section 13(1) of this Act (variation of rent) against the award of an arbiter appointed by the Secretary of State or the Land Court on any question of law or fact (including the amount of the award) shall be competent.
- (3) An appeal under subsection (2) above must be brought within 2 months of the date of issue of the award.
- (4) The Secretary of State may by regulations made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament make such provision as he thinks desirable for expediting, or reducing the expenses of, proceedings on arbitrations under this Act.
- (5) The Secretary of State shall not make regulations under subsection (4) above which are inconsistent with the provisions of Schedule 7 to this Act.
- (6) Section 62 of this Act shall apply to the determination by arbitration of any claims which arise—
  - (a) under this Act or any custom or agreement, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) on or out of the termination of the tenancy of an agricultural holding or part thereof.
- (7) This section and section 60 of this Act shall not apply to valuations of sheep stocks, dung, fallow, straw, crops, fences and other specific things the property of an outgoing tenant, agreed under a lease to be taken over from him at the termination of a tenancy by the landlord or the incoming tenant, or to any questions which it may be necessary to determine in order to ascertain the sum to be paid in pursuance of such an agreement, whether such valuations and questions are referred to arbitration under the lease or not.
- (8) Any valuation or question mentioned in subsection (7) above falling to be decided by reference to a date after 16th May 1975, which would, if it had fallen to be decided by reference to a date immediately before that day, have been decided by reference to fiars prices, shall be decided in such manner as the parties may by agreement determine or, failing such agreement, shall, notwithstanding the provisions of that subsection, be decided by arbitration under this Act.