



Agricultural Holdings (Scotland) Act 1991

CHAPTER 55

AGRICULTURAL HOLDINGS (SCOTLAND) ACT 1991

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- 13 Rent review

Status: Point in time view as at 28/02/2021.

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- 15A Tenant's right to withhold rent

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- 50 Determination of claims for compensation where holding is divided.
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- 52 Compensation for damage by game.
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- 54 Additional payments to tenants quitting holdings.
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- 57 Provisions supplementary to s. 56.
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- 59 Interpretation etc. of Part VI.

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- 63 Panel of arbiters, and remuneration of arbiter.
- 64 Appointment of arbiter in cases where Secretary of State is a party.
- 65 Recovery of compensation and other sums due.
- 66 Power to enable demand to remedy a breach to be modified on arbitration.
- 67 Prohibition of appeal to sheriff principal.

Sheep stock valuation

- 68 Sheep stock valuation.
- 69 Submission of questions of law for decision of sheriff.
- 70 Determination by Land Court of questions as to value of sheep stock.
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- 72 Interpretation of sections 68 to 71.

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- 84 Service of notices, etc..

Interpretation

- 85 Interpretation.

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- 86 Construction of references in other Acts to holdings as defined by earlier Acts.
87 Savings.

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- 88 Consequential amendments and repeals.

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- 89 Citation, commencement and extent.

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- 1 The names of the parties.
- 2 Particulars of the holding with sufficient description, by reference to...
- 3 The term or terms for which the holding or different...
- 4 The rent and the dates on which it is payable....
- 5 An undertaking by the landlord in the event of damage...
- 6 An undertaking by the tenant, in the event of the...

SCHEDULE 1A — Rent Review

Rent review: service of rent review notice

- 1 (1) The landlord of an agricultural holding to which this...

Form and content of rent review notice

- 2 (1) A rent review notice must be dated and state...

Timing of rent review notice

- 3 (1) A rent review notice may not be served under...

Withdrawal of rent review notice

- 4 (1) This paragraph applies where— (a) a rent review notice...

Termination of rent review notice

- 5 A rent review notice ceases to have effect on the...

Referral of rent to the Land Court

- 6 (1) This paragraph applies where— (a) a rent review notice...

Powers of Land Court on referral under paragraph 6

- 7 (1) This paragraph applies where a landlord or a tenant...

New rent to take effect from rent agreement date

- 8 The rent agreed between the landlord and the tenant or,...

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Productive capacity

9 (1) The Scottish Ministers may by regulations make provision for...

Surplus residential accommodation

10 (1) Residential accommodation on an agricultural holding is surplus to...

Open market rent

11 For the purposes of paragraphs 7(4) and 10(4)(a)(ii), the “...

Power of Land Court to phase in new rent

12 (1) This paragraph applies where the Land Court determines under...

Interpretation

13 In this schedule— “ open market rent ” has the...

SCHEDULE 2 — Grounds for Consent to Operation of Notices to Quit a Tenancy
Where Section 25(3) Applies

Part I — GROUNDS FOR CONSENT TO OPERATION OF NOTICE TO QUIT A
TENANCY LET BEFORE 1 JANUARY 1984

Case 1

.....

Case 2

.....

Case 3

.....

Part II — GROUNDS FOR CONSENT TO OPERATION OF NOTICE TO QUIT A
TENANCY LET ON OR AFTER 1 JANUARY 1984

Case 4

.....

Case 5

.....

Case 6

.....

Case 7

.....

Part III — SUPPLEMENTARY

1 Grounds for Consent to Operation of Notices to Quit a Tenancy Where
Section 25(3) Applies

2 Grounds for Consent to Operation of Notices to Quit a Tenancy Where
Section 25(3) Applies

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3 Grounds for Consent to Operation of Notices to Quit a Tenancy Where Section 25(3) Applies

SCHEDULE 3 — 1923 Act Improvements For Which Compensation May Be Payable

Part I — IMPROVEMENTS FOR WHICH CONSENTS REQUIRED

- 1 Erection, alteration, or enlargement of buildings.
- 2 Formation of silos.
- 3 Laying down of permanent pasture.
- 4 Making and planting of osier beds.
- 5 Making of water meadows or works of irrigation.
- 6 Making of gardens.
- 7 Making or improvement of roads or bridges.
- 8 Making or improvement of watercourses, ponds, wells, or reservoirs, or...
- 9 Making or removal of permanent fences.
- 10 Planting of hops.
- 11 Planting of orchards or fruit bushes.
- 12 Protecting young fruit trees.
- 13 Reclaiming of waste land.
- 14 Warping or weiring of land.
- 15 Embankments and sluices against floods.
- 16 Erection of wirework in hop gardens.
- 17 Provision of permanent sheep dipping accommodation.
- 18 In the case of arable land, the removal of bracken,...

Part II — IMPROVEMENTS FOR WHICH NOTICE REQUIRED

- 19 Drainage.

Part III — IMPROVEMENTS FOR WHICH NO CONSENTS OR NOTICE REQUIRED

- 20 Chalking of land.
- 21 Clay-burning.
- 22 Claying of land or spreading blaes upon land.
- 23 Liming of land.
- 24 Marling of land.
- 25 Application to land of purchased artificial or other manure.
- 26 Consumption on the holding by cattle, sheep, or pigs, or...
- 27 Consumption on the holding by cattle, sheep, or pigs, or...
- 28 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or...
- 29 Repairs to buildings, being buildings necessary for the proper cultivation...

SCHEDULE 4 — 1931 Act Improvements For Which Compensation May Be Payable

Part I — IMPROVEMENTS FOR WHICH CONSENT REQUIRED

- 1 Erection, alteration, or enlargement of buildings.
- 2 Laying down of permanent pasture.
- 3 Making and planting of osier beds.
- 4 Making of water meadows or works of irrigation.
- 5 Making of gardens.
- 6 Planting of orchards or fruit bushes.
- 7 Protecting young fruit trees.
- 8 Warping or weiring of land.

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- 9 Making of embankments and sluices against floods.
 - Part II — IMPROVEMENTS OF WHICH NOTICE REQUIRED
- 10 Drainage.
- 11 Formation of silos.
- 12 Making or improvement of roads or bridges.
- 13 Making or improvement of watercourses, ponds or wells, or of...
- 14 Making or removal of permanent fences.
- 15 Reclaiming of waste land.
- 16 Repairing or renewal of embankments and sluices against floods.
- 17 Provision of sheep dipping accommodation.
- 18 Provision of electrical equipment other than moveable fittings and appliances....
 - Part III — IMPROVEMENTS FOR WHICH NO CONSENT OR NOTICE REQUIRED
- 19 Chalking of land.
- 20 Clay-burning.
- 21 Claying of land or spreading blaes upon land.
- 22 Liming of land.
- 23 Marling of land.
- 24 Eradication of bracken, whins, or gorse growing on the holding...
- 25 Application to land of purchased artificial or other manure.
- 26 Consumption on the holding by cattle, sheep, or pigs, or...
- 27 Consumption on the holding by cattle, sheep, or pigs, or...
- 28 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or...
- 29 Repairs to buildings, being buildings necessary for the proper cultivation...

SCHEDULE 5 — New Improvements For Which Compensation May Be Payable

Part I — IMPROVEMENTS FOR WHICH CONSENT IS REQUIRED

- 1 Laying down of permanent pasture.
- 2 Making of water-meadows or works of irrigation.
- 3 Making of gardens.
- 4 Planting of orchards or fruit bushes.
- 5 Warping or weiring of land.
- 6 Making of embankments and sluices against floods.
- 7 Making or planting of osier beds.
- 8 Haulage or other work done by the tenant in aid...
 - Part II — IMPROVEMENTS FOR WHICH NOTICE IS REQUIRED
- 9 Land drainage.
- 10 Construction of silos.
- 11 Making or improvement of farm access or service roads, bridges...
- 12 Making or improvement of watercourses, ponds or wells, or of...
- 13 Making or removal of permanent fences, including hedges, stone dykes...
- 14 Reclaiming of waste land.
- 15 Renewal of embankments and sluices against floods.
- 16 Provision of stells, fanks, folds, dippers, pens and bughts necessary...
- 17 Installation, provision, distribution or storage of electricity, gas, power, heat...
- 18 Erection, alteration or enlargement of buildings, making or improvement of...
- 19 Erection of hay or sheaf sheds, sheaf or grain drying...

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- 20 Provision of fixed threshing mills, barn machinery and fixed dairying...
 - 21 Improvement of permanent pasture by cultivation and re-seeding.
 - 22 Provision of means of sewage, waste or pollutant disposal, or...
 - 23 Repairs to fixed equipment, being equipment reasonably required for the...
 - 23A Erection of structures for the management or storage of slurries...
 - 23B Provision of means of storing silage.
 - 23C Works to dwellings.
- Part III — IMPROVEMENTS FOR WHICH NO CONSENT OR NOTICE
REQUIRED
- 24 Protecting fruit trees against animals.
 - 25 Clay burning.
 - 26 Claying of land.
 - 27 Liming (including chalking) of land.
 - 28 Marling of land.
 - 29 Eradication of bracken, whins or broom growing on the holding...
 - 29A Removal of tree roots, boulders, stones or other similar obstacles...
 - 30 Application to land of soil improvers, conditioners, digestates, manure or...
 - 31 Consumption on the holding of corn (whether produced on the...
 - 32 Laying down temporary pasture with clover, grass, lucerne, sainfoin, or...

SCHEDULE 6 — Market Garden Improvements

- 1 Planting of fruit trees or bushes permanently set out.
- 2 Planting of strawberry plants.
- 3 Planting of asparagus, rhubarb, and other vegetable crops which continue...
- 4 Erection, alteration or enlargement of buildings for the purpose of...

SCHEDULE 7 — Arbitrations

APPOINTMENT OF ARBITERS

- 1 Arbitrations
- 2 Arbitrations
- 3 Arbitrations
- 4 Arbitrations

PARTICULARS OF CLAIM

- 5 Arbitrations

EVIDENCE

- 6 Arbitrations
- 7 Arbitrations

AWARD

- 8 Arbitrations
- 9 Arbitrations
- 10 Arbitrations
- 11 Arbitrations
- 12 Arbitrations

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- 13 Arbitrations
- 14 Arbitrations
- 15 Arbitrations
- 16 Arbitrations

EXPENSES

- 17 Arbitrations
- 18 Arbitrations
- 19 Arbitrations

STATEMENT OF CASE

- 20 Arbitrations
- 21 Arbitrations
- 22 Arbitrations

REMOVAL OF ARBITER AND SETTING ASIDE OF AWARD

- 23 Arbitrations
- 24 Arbitrations

FORMS

- 25 Arbitrations

SCHEDULE 8 — Supplementary Provisions with Respect to Payments Under Section 56

- 1 Subject to paragraph 4 of this Schedule, any dispute with...
- 2 If in any case the sum to be paid by...
- 3 Where, on an application under paragraph 2 above, the tribunal...
- 4 For the purposes of paragraph 3(a) above, section 13(1) of...
- 5 The enactments mentioned in paragraph 6 of this Schedule shall...
- 6 The enactments aforesaid are— (a) sections 56 to 60, 62,...

SCHEDULE 9 — Valuation of Sheep Stock in Scotland in Respect of Old Leases

Part I — VALUATION MADE IN RESPECT OF A TENANCY TERMINATING AT WHITSUNDAY

- 1 The Land Court or, by virtue of section 61(1) of...
- 2 The valuer shall calculate an average price per ewe, and...
- 3 The valuer shall then ascertain the mean of the average...
- 4 In the case of any sheep stock in which the...
- 5 The 3-year average price for ewes shall be subject to...
- 6 In making his award the valuer shall value the respective...

Part II — VALUATION MADE IN RESPECT OF A TENANCY TERMINATING AT MARTINMAS

- 7 The valuer shall ascertain the number of, and the prices...
- 8 The mean of the average prices so calculated shall be...
- 9 In making his award the valuer shall assess the respective...

Part III

Particulars to be
Shown in an Arbitrator's
Award

- 10 The 3-year average price for ewes and the 3-year average...

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- 11 Any amount added or taken away by way of adjustment...
- 12 The number of each class of stock valued (ewes and...
- 13 Any amount added to or taken away by way of...
- Part IV — INTERPRETATION
- 14 In this Schedule the expressions “ewe”, “gimmer”, “eild ewe”, “eild...

SCHEDULE 10 — Valuation of Sheep Stock in Scotland in Respect of Leases
Entered into after 1st December 1986

Part I — VALUATION MADE IN RESPECT OF A TENANCY TERMINATING AT
WHITSUNDAY

- 1 The Land Court or, by virtue of section 61(1) of...
- 2 The valuer shall calculate an average price per ewe, and...
- 3 The valuer shall then ascertain the mean of the average...
- 4 In the case of any sheep stock in which the...
- 5 The 3-year average price for regular cast ewes shall be...
- 6 In making his award the valuer shall value the respective...

Part II — VALUATION MADE IN RESPECT OF A TENANCY TERMINATING AT
MARTINMAS

- 7 The valuer shall ascertain the number of, and the prices...
- 8 The mean of the average prices so calculated shall be...
- 9 In making his award the valuer shall assess the respective...

Part III

Particulars to be
Shown in an Arbitrator's
Award

- 10 The 3-year average price for regular cast ewes and the...
- 11 Any amount added or taken away by way of adjustment...
- 12 The number of each class of stock valued (ewes and...
- 13 Any amount added to or taken away by way of...
- Part IV — INTERPRETATION
- 14 In this Schedule the expressions “regular cast ewes”, “ewe”,
“gimmer”,...

SCHEDULE 11 — Consequential Amendments of Enactments

Hill Farming Act 1946 (c. 73)

- 1 In section 9, as substituted by the Seventh Schedule to...

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

- 2 In section 21— (a) in subsection (2) for “Subsection (1)...
- 3 In section 22(4)(a), for “subsection (1) of section twenty five...
- 4 In section 38(6)(a)(i), for “Agricultural Holdings (Scotland) Act 1949”
substitute...

Crofters (Scotland) Act 1955 (c. 21)

- 5 In section 14(10), for “Agricultural Holdings (Scotland) Act 1949”
substitute...
- 6 In section 37(1), in the definition of “fixed equipment”, for...
- 7 In Schedule 2, paragraph 10, for “section 15 of the...

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Agriculture (Safety, Health and Welfare Provisions) Act 1956 (c.49)

- 8 In section 25(4), for the words from “the provisions” to...
- 9 In section 25(5), for “section eight of the Agricultural Holdings...
- 10 In section 25(10), in the definition of “agricultural holding”, “fixed...

Coal Mining (Subsidence) Act 1957 (c.59)

- 11 In section 10(1)(a), for “Agricultural Holdings (Scotland) Act 1949” substitute...

Opencast Coal Act 1958 (c.69)

- 12 In section 14A— (a) in subsection (3), for the words...
- 13 For section 24(10) substitute— (10) In the application of this...
- 14 For section 25(3) substitute— (3) In the application of this...
- 15 In section 26(6) after “Scotland” insert “ (a) ” and...
- 16 In section 27(4), for “section fourteen of the Scottish Act...
- 17 In section 28(6)— (a) for “to section sixty-five of the...
- 18 In section 52(2)— (a) in the definition of “agricultural holding”,...
- 19 In section 52(5)(a)— (a) for “the Scottish Act of 1949”...
- 20 In Schedule 6, paragraph 31, for “section 2(1) of the...
- 21 For Schedule 7, paragraph 25(a) substitute— (a) for references—

Horticulture Act 1960 (c. 22)

- 22 Consequential Amendments of Enactments

Crofters (Scotland) Act 1961 (c. 58)

- 23 In section 13(1), for “the Agricultural Holdings (Scotland) Act 1949”...

Succession (Scotland) Act 1964 (c. 41)

- 24 In section 16— (a) in subsections (2)(c) and (3)(b)(i), for...
- 25 In section 29(2), for “section 20 of the Agricultural Holdings...

Agriculture Act 1967 (c. 22)

- 26 In section 26(1), for “the Agricultural Holdings (Scotland) Act 1949”...
- 27 In section 27(5B), for “the Agricultural Holdings (Scotland) Act 1949”...
- 28 In section 28(1)(a), for “section 35 of the Agricultural Holdings...
- 29 In section 29— (a) in subsection (3)(a), for “section 35...
- 30 In section 48(2)(a), for “section 35 of the Agricultural Holdings...
- 31 In Schedule 3, paragraph 7(5)— (a) for “sections 75 and...

Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35)

- 32 In Schedule 1 in paragraph 5(a), for “Agricultural Holdings (Scotland)...

Land Compensation (Scotland) Act 1973 (c. 56)

- 33 In section 31(3)(c) for “Agricultural Holdings (Scotland) Act 1949” substitute...
- 34 In section 44— (a) in subsection (2)(a)(i) for “section 25(2)(c)...
- 35 In section 52— (a) in subsection (3)(d) for “Agricultural Holdings...

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- 36 In section 55— (a) for subsection (1)(b) substitute—
37 In section 80(1), in the definitions of “agricultural holding” and...

Land Tenure Reform (Scotland) Act 1974 (c. 38)

- 38 In section 8(5)(a), for “Agricultural Holdings (Scotland) Act 1949” substitute...

Control of Pollution Act 1974 (c. 40)

- 39 In section 31B(2)(a), for the words “an absolute owner (within...

Matrimonial Homes (Family Protection)(Scotland) Act 1981 (c.59)

- 40 In section 13(8), in the definition of “agricultural holding”, for...

Rent (Scotland) Act 1984 (c. 58)

- 41 For section 25(1)(iii) substitute— (iii) the Agricultural Holdings (Scotland) Act...

Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)

- 42 In section 7(2), in the definition of “agricultural holding”, for...

Agriculture Act 1986 (c.49)

- 43 In section 14(a) for “the Agricultural Holdings (Scotland) Act 1949”...
44 In section 16— (a) in subsection (2), for “section 7...
45 In section 18(6) for the words from “the absolute owner”...
46 In section 19(4) for “the Crofters (Scotland) Act 1955” substitute...
47 After section 23 insert— In this Act— “the 1886 Act” means the Crofters Holdings...
48 In Schedule 2, paragraph 1(1)— (a) in the definition of...
49 In Schedule 2, paragraph 3(1)(b), for “section 20 of the...
50 In Schedule 2, paragraph 7— (a) in sub-paragraph (2), for...
51 In Schedule 2, paragraph 10(1)— (a) in sub-paragraph (a), for...
52 In Schedule 2, paragraph 11— (a) in sub-paragraph (1)(a), for...
53 In Schedule 2, for paragraph 12 substitute— “Sections 65...

Housing (Scotland) Act 1987 (c. 26)

- 54 Consequential Amendments of Enactments
55 In section 338(1), in the definition of “agricultural holding”, for...
56 In Schedule 8, Part IV, paragraph 13—

Housing (Scotland) Act 1988 (c. 43)

- 57 In Schedule 4 in paragraph 6(a), for “Agricultural Holdings (Scotland)...

SCHEDULE 12 — TRANSITIONALS AND SAVINGS

Continuation of savings

- 1 The repeal by this Act of an enactment which repealed...

Status: Point in time view as at 28/02/2021.

Changes to legislation: Agricultural Holdings (Scotland) Act 1991 is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Construction of references to old and new law

- 2 (1) Where an enactment contained in this Act repeals and...

Savings for specific enactments

- 3 Nothing in this Act shall affect any provision of the...
4 Section 21 of the Reserve and Auxiliary Forces (Protection of...

Compensation

- 5 Notwithstanding section 16 of the Interpretation Act 1978, rights to...

SCHEDULE 13 — Repeals and Revocations

Part I — REPEALS

Part II

TABLE OF DERIVATIONS

Note: The following abbreviations are used in this Table—

Status:

Point in time view as at 28/02/2021.

Changes to legislation:

Agricultural Holdings (Scotland) Act 1991 is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.