



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART V **S**

OTHER PROVISIONS REGARDING COMPENSATION

Miscellaneous

47 Provisions supplementary to ss. 45 and 46. **S**

- (1) Compensation shall not be recoverable [^{F1}by the landlord under section 45 or 45A] of this Act, unless the landlord has, not later than 3 months before the termination of the tenancy, given notice in writing to the tenant of his intention to claim compensation thereunder.
- (2) Subsection (3) below shall apply to compensation—
 - (a) under section 45 of this Act, where the lease was entered into after 31st July 1931; or
 - (b) where the lease was entered into on or after 1st November 1948.
- (3) When this subsection applies, no compensation shall be recoverable—
 - (a) unless during the occupancy of the tenant a record of the condition of the fixed equipment on, and cultivation of, the holding has been made under section 8 of this Act;
 - (b) in respect of any matter arising before the date of the record referred to in paragraph (a) above; or
 - (c) where more than one such record has been made during the tenant's occupancy, in respect of any matter arising before the date of the first such record.
- (4) If the landlord and the tenant so agree in writing a record of the condition of the holding shall, notwithstanding that it was made during the occupancy of a previous tenant, be deemed, for the purposes of subsection (3) above, to have been made during the occupancy of the tenant and on such date as may be specified in the agreement and shall have effect subject to such modifications (if any) as may be so specified.

*Changes to legislation: There are currently no known outstanding effects for the
Agricultural Holdings (Scotland) Act 1991, Section 47. (See end of Document for details)*

- (5) Where the tenant has remained in his holding during 2 or more tenancies, his landlord shall not be deprived of his right to compensation under section 45 of this Act in respect of any dilapidation, deterioration or damage by reason only that the tenancy during which the relevant act or omission occurred was a tenancy other than the tenancy at the termination of which the tenant quit the holding.

Textual Amendments

- F1** Words in s. 47(1) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 51(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 47.