



# Agricultural Holdings (Scotland) Act 1991

## 1991 CHAPTER 55

### PART VI

#### ADDITIONAL PAYMENTS

#### **58 Effect of early resumption clauses on compensation**

(1) Where—

- (a) the landlord of an agricultural holding resumes land under a provision in the lease entitling him to resume land for building, planting, feuing or other purposes (not being agricultural purposes); or
- (b) the landlord of the holding of a statutory small tenant resumes the holding or part thereof on being authorised to do so by the Land Court under section 32(15) of the 1911 Act; and
- (c) in either case, the tenant has not elected that section 55(2) of the Land Compensation (Scotland) Act 1973 (right to opt for notice of entry compensation) should apply to the notice;

compensation shall be payable by the landlord to the tenant (in addition to any other compensation so payable apart from this subsection) in respect of the land.

- (2) The amount of compensation payable under subsection (1) above shall be equal to the value of the additional benefit (if any) which would have accrued to the tenant if the land had, instead of being resumed at the date of resumption, been resumed at the expiry of 12 months from the end of the current year of the tenancy.
- (3) Section 55(4) and (5) of this Act shall apply to compensation claimed or payable under subsection (1) above with the substitution for references to section 54 of this Act of references to this section.
- (4) In the assessment of the compensation payable by an acquiring authority to a statutory small tenant in the circumstances referred to in section 56(1) of this Act, any authorisation of resumption of the holding or part thereof by the Land Court under section 32(15) of the 1911 Act for any purpose (not being an agricultural purpose) specified therein shall—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in the case of an acquisition, be treated as if it became operative only on the expiry of 12 months from the end of the year of the tenancy current when notice to treat in respect of the acquisition was served or treated as served on the tenant; and
  - (b) in the case of a taking of possession, be disregarded;
- unless compensation assessed in accordance with paragraph (a) or (b) above would be less than would be payable but for this subsection.
- (5) For the purposes of subsection (1) above, the current year of a tenancy for a term of 2 years or more is the year beginning with such day in the period of 12 months ending with a date 2 months before the resumption mentioned in that subsection as corresponds to the day on which the term would expire by the effluxion of time.