

AGRICULTURAL HOLDINGS (SCOTLAND) ACT 2003

EXPLANATORY NOTES

INTRODUCTION

Part 7: Jurisdiction of the Land Court and the Resolution of Disputes

Section 84: Power of the Land Court to grant remedies etc.

274. This section sets out the Land Court's powers to grant remedies in relation to cases concerning its jurisdiction under the 1991 and 2003 Acts.
275. Subsection (1) gives the Court a very broad general power to make orders and grant such remedies as it considers appropriate to give effect to the rights of the parties. The remedies listed are not exhaustive, but include the power to grant interdict, interim interdict, final and interim orders *ad factum praestandum* or orders of specific implement (both of which are orders to the parties to take specific action), orders of restitution (restoring property), reduction or rectification (the striking down or amendment of deeds).
276. Subsection (2) provides further details in relation to orders *ad factum praestandum* or orders of specific implement that relate to the landlord's obligations to the tenant in respect of fixed equipment. It obliges the Court to specify the date by which the landlord is to comply with the order and permits the Court to extend this time limit on the application of the tenant in certain circumstances. Failure by the landlord to comply with the order within this timescale enables the tenant to apply to the Land Court for an order under section 15A(3) of the 1991 Act (inserted by section 64 of this Act).
277. The Court may also grant the remedy of removal but only on the final determination of the case. It may not remove parties from the subjects of the tenancy in the interim. Instead, under subsection (3) the Court may order the parties to give financial or other guarantees before proceeding to hear the case.