



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 1

AGRICULTURAL TENANCIES

CHAPTER 2

GENERAL PROVISION AS TO NEW TYPES OF TENANCY

[^{F1}New types of tenancy: general provision]

10 Increase in rent: landlord's improvements

- (1) Where the landlord has carried out an improvement on the land comprised in a lease constituting a limited duration tenancy [^{F1}, a modern limited duration tenancy or a repairing tenancy] (whether or not one specified in Schedule 5 to the 1991 Act)—
- (a) at the request of, or in agreement with, the tenant;
 - (b) in pursuance of an undertaking given by the landlord by virtue of section 49(2) (as read with section 39(3) of the 1991 Act); ^{F2}...
 - (c) in compliance with a direction given by the Scottish Ministers under powers conferred on them by or under any enactment, [^{F3}or
 - (d) after giving a landlord improvement notice in accordance with section 10A and—
 - (i) the tenant has not given notice of objection in accordance with section 10B, or
 - (ii) the tenant has given such notice of objection but the Land Court has approved the improvement under section 10C.]

subject to subsections (2) and (3), the rent payable is to be increased as from the completion of the improvement by an amount equal to the increase in the rental value of the land resulting from the carrying out of the improvement.

- (2) The landlord must give the tenant notice in writing of any such increase in the rent payable within 6 months of the completion of the improvement.

Changes to legislation: *Agricultural Holdings (Scotland) Act 2003, Section 10 is up to date with all changes known to be in force on or before 25 May 2023. 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) View outstanding changes*

- (3) Where any grant has been made to the landlord in respect of an improvement mentioned in subsection (1), the increase in rent under that subsection must be reduced proportionately.

Textual Amendments

- F1** Words in s. 10(1) inserted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(3\)](#) (with s. 128); [S.S.I. 2017/299](#), reg. 2, sch. (with reg. 12)
- F2** Word in s. 10(1) repealed (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), [ss. 120\(5\)](#), [130\(1\)](#) (with s. 128); [S.S.I. 2016/365](#), reg. 2, sch.
- F3** S. 10(1)(d) inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), [ss. 120\(6\)](#), [130\(1\)](#) (with s. 128); [S.S.I. 2016/365](#), reg. 2, sch.
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Commencement Information

- I1** S. 10 in force at 27.11.2003 by [S.S.I. 2003/548](#), [art. 2\(a\)](#) (with Sch.)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7C inserted by [2016 asp 18 s. 93\(2\)](#)
- s. 7D inserted by [2016 asp 18 s. 106\(2\)](#)
- s. 8F8G inserted by [2016 asp 18 s. 94\(2\)](#)
- s. 16B inserted by [2016 asp 18 s. 95\(2\)](#)
- s. 17A inserted by [2016 asp 18 s. 96\(2\)](#)
- s. 18B inserted by [2016 asp 18 s. 97\(2\)](#)
- s. 26(1)(1A) substituted for s. 26(1) by [2016 asp 18 s. 99\(4\)\(a\)](#)
- s. 26(3) inserted by [2016 asp 18 s. 99\(4\)\(c\)](#)