



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 4

COMPENSATION UNDER AGRICULTURAL TENANCIES

CHAPTER 4

MISCELLANEOUS PROVISION AS TO COMPENSATION

59 Extent to which compensation recoverable under agreements

- (1) Where by virtue of any provision of this Part compensation is payable to a landlord or tenant of a short limited duration tenancy [^{F1}, a limited duration tenancy or a modern limited duration tenancy], that person—
 - (a) is entitled to such compensation notwithstanding the terms of any agreement between them; and
 - (b) is not entitled to such compensation except by virtue of that provision, but this subsection is subject to any express provision by virtue of this Part to the contrary.
- (2) Where the landlord and tenant agree in writing for such a variation of the terms of the lease as may be made by a direction by virtue of section 15, the agreement may also provide for the exclusion of compensation on the same basis as under section 58(1).
- (3) In a case for which there is no provision for compensation by virtue of this Part, a claim for compensation by a landlord or tenant of a short limited duration tenancy [^{F2}, a limited duration tenancy or a modern limited duration tenancy] is not enforceable except under an agreement in writing.

Textual Amendments

- F1** Words in s. 59(1) substituted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(25\)\(a\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch.
- F2** Words in s. 59(3) substituted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(25\)\(b\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch.

Changes to legislation: *Agricultural Holdings (Scotland) Act 2003, Section 59 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*

Modifications etc. (not altering text)

- C1** S. 59 excluded (13.6.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 117(2)**, 130(1) (with s. 128); [S.S.I. 2017/20](#), reg. 2, sch.

Commencement Information

- I1** S. 59 in force at 27.11.2003 by [S.S.I. 2003/548](#), **art. 2(d)** (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\(4\)\(c\)](#)