



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 5

MISCELLANEOUS AMENDMENTS TO THE 1991 ACT

62 Interdict in certain cases

In section 7 (freedom of cropping and disposal of produce) of the 1991 Act—

- (a) in subsection (3), the words “, but no other” are repealed;
- (b) after that subsection there is inserted—

“(3A) Such interdict as is, or damages as are, mentioned in subsection (3) above shall be obtainable only in the Land Court; and, notwithstanding the terms of section 84 of the Agricultural Holdings (Scotland) Act 2003 (asp 11), no other remedy shall be available in respect of the circumstances mentioned in that subsection.”;

- (c) for subsection (4) there is substituted—

“(4) For the purposes of any proceedings for an interdict brought under paragraph (a) of subsection (3) above, where the question whether the tenant is exercising or has exercised his rights under subsection (1) above in such a manner as is referred to in subsection (3) above has, by virtue of section 61(1) of this Act, been determined by arbitration, a certificate of the arbiter as to his determination of the question shall, for the purposes of any proceedings brought under this section, be conclusive proof of the facts stated in the certificate.”; and

- (d) in subsection (6)(b), after the word “or” in the second place where it appears there is inserted “it has been determined”.