

SCHEDULE

Consequential Amendments

Land Compensation (Scotland) Act 1973 (c. 56)

8. In the Land Compensation (Scotland) Act 1973–
- (a) for paragraph (c) of subsection (3) of section 31(right to farm loss payment where person displaced from agricultural unit)(1), substitute–
- “(c) where the acquiring authority permit him to remain in possession of the land under a lease, or a right or permission relating to land but not amounting to an estate or interest therein, of a kind not making him–
- (i) where the owner’s interest for the purposes of subsections (1) and (2) above was that of tenant under a lease constituting a short limited duration tenancy or a limited duration tenancy within the meaning of the [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), a tenant of such a tenancy with a duration not less than that of the unexpired term of the tenancy which constituted the owner’s interest as at the date on which he gave up possession; or
- (ii) in any other case, a tenant of a lease constituting a 1991 Act tenancy within the meaning of that Act,”;
- (b) in section 44 (compensation in respect of agricultural holdings)–
- (i) immediately after paragraph (a) of subsection (2), insert–
- “(aa) there shall be disregarded any right of the landlord to serve a notice of intention to resume land which would not be or have been effective if in section 17(1)(a) of the [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#) (resumption of land by landlord) the reference to the resumption being for a non-agricultural purpose did not include a reference to its being required by an acquiring authority; and”;
- (ii) in subsection (3)(a), immediately after “sections 22(2)(b) and 24(1)(e)”(2) insert “of the Agricultural Holdings (Scotland) Act 1991 or section 17(1)(a) of the Agricultural Holdings (Scotland) Act 2003”; and
- (iii) at the end of subsection (4)(3), insert “or, as the case may be, under section 54(1) to (3) of the Agricultural Holdings Act (Scotland) 2003 (compensation where compulsory acquisition of land)”;
- (c) in section 52(3)(d)(4), immediately after “the Agricultural Holdings (Scotland) Act 1991”, insert “, the Agricultural Holdings (Scotland) Act 2003”;
- (d) in section 55–
- (i) in subsection (1), immediately after “notice to quit the holding” insert “or (as the case may be) notice of intention to resume land”;
- (ii) in paragraph (b) of subsection (1)(5), after “the Act”, insert–

(1) Section 31(3)(c) was amended by the Agricultural Holdings (Scotland) Act 1991 (c. 55), Schedule 11, paragraph 33.

(2) Section 44(3)(a) was amended by the Agricultural Holdings (Scotland) Act 1991 (c. 55), Schedule 11, paragraph 34(c).

(3) Section 44(4) was amended by the Agricultural Holdings (Scotland) Act 1991 (c. 55), Schedule 11, paragraph 34(d).

(4) Section 52(3)(d) was amended by the Agricultural Holdings (Scotland) Act 1991 (c. 55), Schedule 11, paragraph 35(a).

(5) Section 55(1)(b)(ii) was substituted by the Agricultural Holdings (Scotland) Act 1991 (c. 55), Schedule 11, paragraph 36(a).

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- or the resumption is for a non-agricultural purpose under section 17(1)(a) of the Agricultural Holdings (Scotland) Act 2003.”;
- (iii) in subsection (2), immediately after “notice to quit” insert “or (as the case may be) notice of intention to resume land”;
- (iv) in subsection (2)(a), for “section 56 of the Agricultural Holdings (Scotland) Act 1991”(6), substitute “either section 56 of the Agricultural Holdings (Scotland) Act 1991 or (as the case may be) section 54(1) to (3) of the Agricultural Holdings (Scotland) Act 2003”;
- (v) for subsection (2)(b)(7), substitute–
- “(b) either (as the case may be)–
- (i) the provisions of the Agricultural Holdings (Scotland) Act 1991 relating to the compensation to a tenant on the termination of his tenancy and sections 54 and 58(1) and (2) of that Act (additional payment and compensation in cases of notice to quit); or
- (ii) the provisions of the Agricultural Holdings (Scotland) Act 2003 relating to compensation to a tenant on the termination of his tenancy,
- shall not have effect in relation to the termination of the tenancy by reason of the notice to quit or (as the case may be) the notice of intention to resume land”;
- (vi) in subsection (5), immediately after “notice to quit” in each place where it appears, insert “or (as the case may be) notice of intention to resume land”;
- (vii) at the end of subsection (6)(8), insert “or, as the case may be, to give notice under section 17(3) of the Agricultural Holdings (Scotland) Act 2003 (resumption of land by landlord)”;
- (viii) in subsection (8), immediately after “notice to quit”, there is inserted “or (as the case may be) a notice of intention to resume land”; and
- (e) in section 80 (interpretation)–
- (i) for the definition of “agricultural holding”(9), substitute–
- ““agricultural holding” means the land comprised in a lease constituting a 1991 Act tenancy within the meaning of the [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), or the land comprised in a lease constituting a short limited duration tenancy or a limited duration tenancy (within the meaning of that Act); and “landlord” and “tenant”, in relation to an agricultural holding, have the same meaning as in section 85 of the Agricultural Holdings (Scotland) Act 1991 or (as the case may be) section 93 of the Agricultural Holdings (Scotland) Act 2003.”; and
- (ii) immediately after the definition of “local roads authority”(10), insert–
- ““notice of intention to resume land”, in relation to a short limited duration tenancy or a limited duration tenancy within the meaning of the [Agricultural](#)

(6) Section 55(2)(a) was amended by the Agricultural Holdings (Scotland) Act 1991 (c. 55), Schedule 11, paragraph 36(b).

(7) Section 55(2)(b) was amended by the Agricultural Holdings (Scotland) Act 1991 (c. 55), Schedule 11, paragraph 36(c).

(8) Section 55(6) was amended by the Agricultural Holdings (Scotland) Act 1991 (c. 55), Schedule 11, paragraph 36(d).

(9) This definition was amended by the Agricultural Holdings (Scotland) Act 1991 (c. 55), Schedule 11, paragraph 37.

(10) The definition of “local roads authority” was inserted by the Roads (Scotland) Act 1984 (c. 54), s. 156(1), Schedule 9, paragraph 72(9)(a)(i).

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[Holdings \(Scotland\) Act 2003 \(asp 11\)](#) means notice under section 17(2) of that Act;

“notice to quit”, in relation to a lease constituting a 1991 Act tenancy within the meaning of the [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), means a notice to quit within the meaning of the Agricultural Holdings (Scotland) Act 1991;”.