

## SCHEDULES

### SCHEDULE 8

#### PART IV

##### ADJUSTMENT OF RELATIONS BETWEEN LESSORS AND LESSEES OF AGRICULTURAL HOLDINGS, ETC

- 13 (1) Section 8 of the Agricultural Holdings (Scotland) Act 1949 (increases of rent for improvements carried out by landlord) shall apply as if references in subsection (1) of that section to improvements carried out at the request of the tenant included references to improvements carried out in compliance with a notice of a final resolution under Part I of this Schedule:

Provided that where the tenant has contributed to the cost incurred by the landlord in carrying out the improvement, the increase in rent provided for by the said section 8 shall be reduced proportionately.

- (2) Any works carried out in compliance with a notice of a final resolution under Part I of this Schedule shall be included among the improvements specified in paragraph 18 of Schedule 1 to the said Act of 1949 (tenant's right to compensation for erection, alteration or enlargement of buildings), but subject to the power conferred by section 79 of that Act to vary the said Schedule 1; and sections 51 and 52 of that Act (which make that right to compensation subject to certain conditions) shall not apply to any works carried out in compliance with such a notice:

Provided that where a person other than the tenant claiming compensation has contributed to the cost of carrying out the works in compliance with any such notice, compensation in respect of the works, as assessed under section 49 of the said Act of 1949, shall be reduced proportionately.

- (3) Any works carried out in compliance with a notice of a final resolution under Part I of this Schedule shall—
- (a) if carried out on a croft, be permanent improvements on that croft and be deemed to be suitable to the croft for the purposes of section 14(1)(a) of the Crofters (Scotland) Act 1955 (crofter's right to compensation for improvements);
  - (b) if carried out on a holding, be permanent improvements on that holding and be deemed to be suitable to the holding for the purposes of section 8(a) of the Crofters Holdings (Scotland) Act 1886 (landholder's right to compensation for improvements);

- (4) In this paragraph, unless the context otherwise requires—

"dwelling" means a building or part of a building occupied or intended to be occupied as a separate house;

"tenant"—

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*Status: This is the original version (as it was originally enacted).*

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- (a) has the same meaning as in section 115(1) of the Rent (Scotland) Act 1984 but does not include a tenant holding under a lease granted for a period of more than 21 years at a rent of less than two-thirds of the net annual value for rating purposes of the leased premises, or a heritable creditor in possession; and
- (b) includes, in relation to a dwelling, a person employed in agriculture (as defined in section 17 of the Agricultural Wages (Scotland) Act 1949) who occupies or resides in the dwelling as part of the terms of his employment,

and "tenancy" shall be construed accordingly.

References in this paragraph to a tenant occupying a dwelling include, in the case of a tenant within head (b) of this definition, a tenant residing in the dwelling, and "occupation" and "occupied" and related expressions shall be construed accordingly; and in relation to a dwelling occupied by such a tenant "the person having control" of the dwelling means, in this paragraph, the employer or other person by whose authority the tenant occupies the dwelling.