



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART V

OTHER PROVISIONS REGARDING COMPENSATION

Miscellaneous

52 Compensation for damage by game.

- (1) Subject to subsection (2) below, where the tenant of an agricultural holding has sustained damage to his crops from game, the right to kill and take which is vested neither in him nor in anyone claiming under him other than the landlord, and which the tenant has not permission in writing to kill, he shall be entitled to compensation from his landlord for the damage if it exceeds in amount the sum of 12 pence per hectare of the area over which it extends.
- (2) Compensation shall not be recoverable under subsection (1) above, unless—
 - (a) notice in writing is given to the landlord as soon as is practicable after the damage was first observed by the tenant, and a reasonable opportunity is given to the landlord to inspect the damage—
 - (i) in the case of damage to a growing crop, before the crop is begun to be reaped, raised or consumed;
 - (ii) in the case of damage to a crop reaped or raised, before the crop is begun to be removed from the land; and
 - (b) notice in writing of the claim, together with the particulars thereof, is given to the landlord within [^{F1}6 months of the giving of notice under paragraph (a) above].
- (3) The amount of compensation payable under subsection (1) above shall, in default of agreement made after the damage has been suffered, be determined by [^{F2}the Land Court].
- (4) Where the right to kill and take the game is vested in some person other than the landlord, the landlord shall be entitled to be indemnified by that other person against

*Changes to legislation: There are currently no known outstanding effects for the
Agricultural Holdings (Scotland) Act 1991, Section 52. (See end of Document for details)*

all claims for compensation under this section; and any question arising under this subsection shall be determined by [^{F2}the Land Court].

(5) In this section “game” means deer, pheasants, partridges, grouse and black game.

Textual Amendments

- F1** Words in s. 52(2)(b) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 50(2), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(d) (with Sch.)
- F2** Word in s. 52 substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), **Sch. para. 32** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

Modifications etc. (not altering text)

- C1** S. 52 applied (with modifications) (5.1.1994) by 1993 c. 44, ss. 5, 64(2), **Sch. 2 para.11** (with s. 64(3), Sch. 6 para. 4).
- C2** S. 52 applied (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 53(3), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(d) (with Sch.)

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 52.