

# Land Reform (Scotland) Bill

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## 4th Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 21  
Sections 22 to 34  
Schedule  
Long title

Sections 35 to 97  
Sections 98 to 102  
Sections 103 and 104

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 82

#### **Richard Lochhead**

- 168** In section 82, page 75, leave out lines 11 and 12

#### **Richard Lochhead**

- 169** In section 82, page 75, leave out line 18

#### **Richard Lochhead**

- 170** In section 82, page 76, line 23, leave out <end of the period of 14 days beginning with> and insert <day after>

#### **Richard Lochhead**

- 171** In section 82, page 76, line 24, leave out <such a referral is made> and insert <a referral is made to the Land Court under paragraph 6(2)>

#### **Claudia Beamish**

- 274** In section 82, page 76, line 26, at end insert—

*<Power of Tenant Farming Commissioner to make declaration and order*

- (1) This paragraph applies where the landlord or the tenant of the holding makes an application to the Tenant Farming Commissioner under section 27 of the 2016 Act alleging that the way in which the rent review was carried out breached a relevant code of practice.
- (2) If the Tenant Farming Commissioner's finding, following an inquiry into the alleged breach, is that the relevant code was breached (whether in the manner alleged or otherwise), the Commissioner may—
  - (a) declare the rent review null and void,

- (b) make an order prohibiting the landlord or the tenant (as the case may be) from initiating a further rent review under paragraph 1 during such period (not exceeding one year, beginning with the date of the order) as the Commissioner considers appropriate.
- (3) The landlord or the tenant may appeal to the Land Court against—
  - (a) a declaration under sub-paragraph (2)(a) or an order under sub-paragraph (2)(b), or both, or
  - (b) a finding by the Commissioner that the relevant code was not breached.
- (4) An appeal under sub-paragraph (3) must be made on the ground that the declaration, order or finding—
  - (a) was based on an error of fact,
  - (b) was wrong in law, or
  - (c) was unfair or unreasonable for any reason.
- (5) An appeal under subsection (3) must be made within the period of 28 days beginning with the day on which the declaration, order or finding was made.
- (6) On an appeal under subsection (3), the Land Court may—
  - (a) overturn or confirm the declaration, order or finding,
  - (b) vary the period specified in the order,
  - (c) make any declaration or order that the Commissioner could have made under sub-paragraph (2).
- (7) Nothing in this paragraph prevents the landlord or tenant making a referral under paragraph 6.
- (8) In this paragraph—
  - “the 2016 Act” means the Land Reform (Scotland) Act 2016, and
  - a “relevant code of practice” is a code of practice making provision about negotiating and conducting rent reviews published under section 25 of the 2016 Act.>

**Claudia Beamish**

- 135** In section 82, page 76, line 34, at end insert <and may, in so doing, invite the Court to take into account any alleged non-compliance with a relevant code of practice (as defined in paragraph 7).>

**Richard Lochhead**

- 172** In section 82, page 76, line 35, leave out <the end of the period of 14 days beginning with>

**Richard Lochhead**

- 173** In section 82, page 77, line 5, leave out <effective> and insert <rent agreement>

**Claudia Beamish**

- 136** In section 82, page 77, line 19, at end insert—

- <( ) In reaching a determination under this paragraph, the Land Court may take into account any non-compliance with a relevant code of practice.
- ( ) In deciding whether a relevant code of practice has or has not been complied with, the Land Court may seek an opinion from the Tenant Farming Commissioner.
- ( ) Where the Land Court decides that a relevant code of practice has not been complied with, it may make an order prohibiting the landlord or the tenant (as the case may be) from initiating a rent review under paragraph 1 during such period (not exceeding one year, beginning with the date of the order) as the Court considers appropriate.
- ( ) In this paragraph, a “relevant code of practice” is a code of practice making provision about negotiating and conducting rent reviews published under section 25 of the Land Reform (Scotland) Act 2016.>

**Richard Lochhead**

**174** In section 82, page 77, line 19, at end insert—

*<New rent to take effect from rent agreement date*

- 7A The rent agreed between the landlord and the tenant or, as the case may be, determined in accordance with paragraph 7 is to take effect from the rent agreement date.>

**Richard Lochhead**

**175** In section 82, page 77, line 29, leave out <negative> and insert <affirmative>

**Richard Lochhead**

**176** In section 82, page 78, line 28, leave out <negative> and insert <affirmative>

**Richard Lochhead**

**177** In section 82, page 79, line 4, leave out from <30%> to the end of line 5 and insert <—

(a) 30% or more higher, or

(b) 30% or more lower,

than the rent currently payable in respect of the holding (the “original rent”).>

**Richard Lochhead**

**178** In section 82, page 79, line 6, after <tenant> insert <or the landlord>

**Richard Lochhead**

**179** In section 82, page 79, line 7, after <tenant> insert < or, as the case may be, the landlord>

**Richard Lochhead**

**180** In section 82, page 79, line 8, leave out <effective> and insert <rent agreement>

**Richard Lochhead**

**181** In section 82, page 79, leave out lines 11 to 13 and insert—

<(4) The rent payable in the first year after the rent agreement date is—

- (a) where sub-paragraph (1)(a) applies, the sum of the original rent and one third of the difference between the new rent and the original rent, or
- (b) where sub-paragraph (1)(b) applies, the original rent less one third of the difference between the original rent and the new rent.>

**Richard Lochhead**

**182** In section 82, page 79, leave out lines 14 to 16 and insert—

<(5) The rent payable in the second year after the rent agreement date is—

- (a) where sub-paragraph (1)(a) applies, the sum of the original rent and two thirds of the difference between the new rent and the original rent, or
- (b) where sub-paragraph (1)(b) applies, the original rent less two thirds of the difference between the original rent and the new rent.>

**Richard Lochhead**

**183** In section 82, page 79, line 17, leave out <effective> and insert <rent agreement>

**Richard Lochhead**

**184** In section 82, page 79, leave out line 21

**Alex Fergusson**

**296** Leave out section 82

**Section 83**

**Michael Russell**

**297\*** In section 83, page 79, line 27, at end insert—

<( ) Before section 9 (review of rent under limited duration tenancies) insert—

**“8I Determination of rent on modern limited duration tenancy being entered into**

- (1) The rent to be payable on a modern limited duration tenancy being entered into is to be the fair rent for the tenancy taking account of all the circumstances and having regard, in particular, to—
  - (a) the productive capacity of the land comprised in the lease,
  - (b) the open market rent of any surplus residential accommodation on the land provided by the landlord, and
  - (c) the open market rent of—
    - (i) any fixed equipment on the land provided by the landlord, or
    - (ii) any land comprised in the lease,

used for a purpose that is not an agricultural purpose.

- (2) In this section, section 9B(1)(c) and section 9C(4)(a)(ii), the “open market rent” means the rent at which—
- (a) any surplus residential accommodation, or
  - (b) any fixed equipment or land used for a purpose that is not an agricultural purpose,
- might reasonably be expected to be let on the open market by a willing landlord to a willing tenant.
- (3) The Scottish Ministers may by regulations make provision for the purposes of this section and section 9B about the productive capacity of land comprised in leases of limited duration tenancies or modern limited duration tenancies, including how the productive capacity of such land is to be determined.”.>

**Richard Lochhead**

- 185** In section 83, page 79, line 29, leave out <“or a modern limited duration tenancy”> and insert <“, a modern limited duration tenancy or a repairing tenancy”>

**Richard Lochhead**

- 186** In section 83, page 79, line 30, at end insert—
- <( ) after subsection (1) insert—
- “(1A) The rent due as payable under a lease constituting a repairing tenancy is to be reviewed and determined in accordance with this section.”.>

**Alex Fergusson**

- 298** In section 83, page 79, line 31, leave out from beginning to end of line 32 on page 81 and insert—
- <(d) the title of the section becomes “**Review of rent under limited duration tenancies, modern limited duration tenancies and repairing tenancies**”.>

**Richard Lochhead**

- 187** In section 83, page 79, line 38, leave out <**and modern limited duration tenancies**> and insert <, **modern limited duration tenancies and repairing tenancies**>

**Michael Russell**

- 299** In section 83, page 80, leave out lines 27 to 37

**Richard Lochhead**

- 188** In section 83, page 80, line 36, leave out <or modern limited duration tenancies> and insert <, modern limited duration tenancies and repairing tenancies>

**Richard Lochhead**

- 189** In section 83, page 81, line 1, leave out <**and modern limited duration tenancies**> and insert <, **modern limited duration tenancies and repairing tenancies**>

**Richard Lochhead**

- 190** In section 83, page 81, line 4, leave out <or a modern limited duration tenancy> and insert <, a modern limited duration tenancy or a repairing tenancy>

**Richard Lochhead**

- 191** In section 83, page 81, line 30, leave out <or modern limited duration tenancies> and insert <, modern limited duration tenancies or repairing tenancies>

**After section 83**

**Claudia Beamish**

- 275** After section 83, insert—

**<CHAPTER**

**NON-PAYMENT OF RENT**

**Circumstances in which non-payment of rent constitutes grounds for irritancy or removal of tenant**

- (1) Section 20 (removal of tenant for non-payment of rent) of the 1991 Act is amended as follows—
- (a) in subsection (1), after “entitled”, insert “, subject to subsection (1A),”,
  - (b) after that subsection insert—
- “(1A) Subsection (1) only applies if—
- (a) the tenant was given, before they were due to be paid, invoices for all the amounts of rent in question, and
  - (b) the tenant was given a reasonable opportunity to pay each such amount after the date on which it was due.”.

(2) In section 18 (irritancy of lease and good husbandry) of the 2003 Act, after subsection (2) insert—

“(2A) Any term of such a lease or of an agreement in connection with the lease that provides for the lease to be irritated solely on the grounds set out in subsection (2B) is, unless subsection (2C) applies, of no effect.

(2B) The grounds are that the tenant has not made, or has not made in full, a payment of the rent due under the lease.

(2C) This subsection applies if—

    - (a) the tenant was given an invoice for the payment before the date on which payment was due, and
    - (b) the tenant was given a reasonable opportunity to make the payment after the date on which it was due.”.>

**Section 84**

**Claudia Beamish**

- 148** In section 84, page 82, line 21, at end insert—

<( ) a child of an uncle or aunt of the tenant (the child being a first cousin of the tenant),>

**Claudia Beamish**

**310** In section 84, page 82, line 21, at end insert—

<( ) a person (not being a person referred to in any of the preceding paragraphs) who, for a continuous period of at least 10 years or for various periods amounting in total to at least 10 years, has been employed by the tenant, primarily to carry out farming work, on the holding that is the subject of the lease (such a person being referred to in this section as a “longstanding employee” of the tenant).”.>

**Alex Fergusson**

**311** In section 84, page 82, line 22, at end insert—

<( ) “or” immediately after paragraph (a)(ii) is repealed,  
( ) after paragraph (b) insert “, or  
(c) has a substantial connection with the holding.”.>

**Claudia Beamish**

**312** In section 84, page 82, line 24, after <relative> insert <or longstanding employee>

**Alex Fergusson**

**313** In section 84, page 82, line 32, at end insert—

<( ) that the person does not have a substantial connection with the holding.>

**Richard Lochhead**

**192** In section 84, page 83, line 6, at end insert—

<( ) a spouse or civil partner of such a child,>

**Claudia Beamish**

**149** In section 84, page 83, line 15, at end insert—

<( ) an uncle or aunt of the tenant (being a brother or sister of either parent of the tenant),>

**Claudia Beamish**

**150** In section 84, page 83, line 15, at end insert—

<( ) a child of an uncle or aunt of the tenant (the child being a first cousin of the tenant).”.>

## Section 85

### **Claudia Beamish**

- 314** In section 85, page 83, line 21, after <relative> insert <or longstanding employee>

### **Richard Lochhead**

- 193** In section 85, page 84, line 5, at end insert—  
<( ) a spouse or civil partner of such a child,>

### **Claudia Beamish**

- 315** In section 85, page 84, line 14, at end insert—  
<( ) For the purposes of subsection (3A), a “longstanding employee” of the tenant means a person who, for a continuous period of at least 10 years or for various periods amounting in total to at least 10 years, has been employed by the tenant, primarily to carry out farming work, on the holding that is the subject of the lease.”.>

## Section 86

### **Claudia Beamish**

- 316** In section 86, page 84, line 34, after <relative> insert <or longstanding employee>

### **Richard Lochhead**

- 194** In section 86, page 85, line 24, at end insert—  
<( ) a spouse or civil partner of such a child,>

### **Claudia Beamish**

- 317** In section 86, page 85, line 33, at end insert—  
<( ) For the purposes of subsection (4), a “longstanding employee” of the tenant means a person who, for a continuous period of at least 10 years or for various periods amounting in total to at least 10 years, has been employed by the tenant, primarily to carry out farming work, on the holding that is the subject of the lease.”.>

## After section 86

### **Richard Lochhead**

- 195** After section 86, insert—  
<**Assignment of repairing tenancies**  
(1) The 2003 Act is amended as follows.  
(2) After section 7C (as inserted by section (*Repairing tenancies: subletting*)) insert—



**“7D      Assignment of repairing tenancies**

- (1) During the repairing period, a lease constituting a repairing tenancy may be assigned by the tenant if, following notice under subsection (2), the landlord consents to a proposed assignation.
- (2) The tenant must give the landlord a notice in writing of any intention of the tenant to assign the lease during the repairing period; and the notice must include the particulars of the proposed assignee, the terms upon which the assignation is to be made and the date on which it is to take effect.
- (3) The landlord may withhold consent to the proposed assignation during the repairing period if there are reasonable grounds for doing so; and, in particular, the landlord may withhold consent if not satisfied that the proposed assignee—
  - (a) would have the ability to pay—
    - (i) the rent due under the lease, or
    - (ii) for investment in the land in order to bring it into a state capable of being farmed, after the expiry of the repairing period, in accordance with the rules of good husbandry, or
  - (b) has the skills or experience that would be required properly to manage and improve the land in order to bring it into a state capable of being farmed, after the expiry of the repairing period, in accordance with the rules of good husbandry.
- (4) The ground of objection in subsection (3)(b) does not apply where the person—
  - (a) is engaged in or will begin, before the expiry of the period of 6 months beginning with the date of the notice under subsection (2), a course of relevant training in agriculture which the person is expected to complete satisfactorily within 4 years from that date, and
  - (b) has made arrangements to secure that the land is farmed with reasonable efficiency until the person completes that course.
- (5) Any such withholding of consent during the repairing period (and the grounds for withholding it) is to be intimated in writing to the tenant within 30 days of the giving of notice under subsection (2); and, if no such intimation is made, the landlord is deemed to have consented to the proposed assignation.
- (6) For the purposes of subsection (3), what is good husbandry is to be construed by reference to schedule 6 of the Agriculture (Scotland) Act 1948.
- (7) After the expiry of the repairing period, section 7B applies to the assignation of a lease constituting a repairing tenancy as to the assignation of a lease constituting a modern limited duration tenancy.”>

**Section 87**

**Claudia Beamish**

**151** In section 87, page 86, line 22, at end insert—

<( ) a spouse or civil partner of an uncle or aunt of the tenant,

- ( ) a child of an uncle or aunt of the tenant (the child being a first cousin of the tenant),
- ( ) a spouse or civil partner of such a child.”.>

**Claudia Beamish**

**318** In section 87, page 86, line 22, at end insert—

- <( ) a person (not being a person referred to in any of the preceding paragraphs) who, for a continuous period of at least 10 years or for various periods amounting in total to at least 10 years, has been employed by the tenant, primarily to carry out farming work, on the holding that is the subject of the lease.”.>

**Section 88**

**Richard Lochhead**

**196** In section 88, page 86, line 27, leave out <or a modern limited duration tenancy”> and insert <, a modern limited duration tenancy or a repairing tenancy”>

**Richard Lochhead**

**197** In section 88, page 86, line 29, leave out <or a modern limited duration tenancy”> and insert <, a modern limited duration tenancy or a repairing tenancy”>

**Richard Lochhead**

**198** In section 88, page 86, line 32, leave out <or a modern limited duration tenancy”> and insert <, a modern limited duration tenancy or a repairing tenancy”>

**Richard Lochhead**

**199** In section 88, page 86, line 35, leave out <and “modern limited duration”> and insert <, “modern limited duration tenancy” and “repairing”>

**Richard Lochhead**

**200** In section 88, page 87, line 2, leave out <or a modern limited duration tenancy”> and insert <, a modern limited duration tenancy or a repairing tenancy”>

**Claudia Beamish**

**319** In section 88, page 87, line 24, at end insert—

- <( ) a person (not being a person referred to in any of the preceding paragraphs) who, for a continuous period of at least 10 years or for various periods amounting in total to at least 10 years, has been employed by the tenant, primarily to carry out farming work, on the holding that is the subject of the lease.”.>

## Section 89

**Alex Fergusson**

**320** In section 89, page 88, line 20, at end insert—

<(d) that the person does not have a substantial connection with the holding.>

**Alex Fergusson**

**321** In section 89, page 89, line 24, leave out <any> and insert <the condition mentioned in subsection (4A) and any other>

**Alex Fergusson**

**322** In section 89, page 89, line 28, leave out <is> and insert <are>

**Alex Fergusson**

**323** In section 89, page 89, line 29, at end insert—

<(4A) The condition referred to in subsection (4) is that the person making the appeal has a substantial connection with the holding to which the appeal relates.>

## After section 89

**Alex Fergusson**

**324** After section 89, insert—

*<Meaning of “substantial connection”*

### **Meaning of “substantial connection”**

- (1) The 1991 Act is amended as follows.
- (2) After section 12C insert—

#### **“12D Meaning of “substantial connection”**

- (1) The Scottish Ministers must by regulations specify the circumstances in which a person is to, or may, be regarded, for the purposes of sections 10A, 12A and 12B, as having a substantial connection with an agricultural holding.
- (2) Regulations under subsection (1) are subject to the affirmative procedure.”.>

**Richard Lochhead**

**325** After section 89, insert—

## **<CHAPTER**

### **RELINQUISHING AND ASSIGNATION OF 1991 ACT TENANCIES**

#### **Tenant’s offer to relinquish 1991 Act tenancy**

- (1) The 1991 Act is amended as follows.
- (2) After section 32 insert—

## **“PART 3A**

### **RELINQUISHING AND ASSIGNATION OF HOLDINGS**

#### **CHAPTER 1**

##### **TENANT’S OFFER TO RELINQUISH HOLDING**

###### *Application of Part and key terms*

#### **32A Application of Part**

- (1) This Part applies where the tenant of an agricultural holding to which subsection (2) applies wishes to quit the tenancy before the date on which the tenancy could otherwise be brought to an end by notice of intention to quit or, failing which, assign the lease to an individual who is a new entrant to, or who is progressing in, farming.
- (2) This subsection applies to an agricultural holding in respect of which—
  - (a) the lease was entered into before 27 November 2003, or
  - (b) the lease—
    - (i) was entered into in writing on or after that date but prior to the commencement of the tenancy, and
    - (ii) expressly states that this Act is to apply to the tenancy.

#### **32B New entrants to farming and persons progressing in farming**

- (1) The Scottish Ministers may by regulations make further provision about the individuals who are new entrants to, or who are progressing in, farming for the purposes of this Part.
- (2) Regulations under subsection (1) are subject to the negative procedure.

###### *Notice of intention to relinquish*

#### **32C Tenant’s offer to relinquish tenancy**

- (1) The tenant may serve notice in writing on the landlord of the holding indicating that the tenant will quit the tenancy provided the landlord pays to the tenant an amount, calculated in accordance with section 32K, as compensation for so doing.
- (2) A notice served under subsection (1) is a “notice of intention to relinquish”.
- (3) The tenant must, at the same time as serving a notice of intention to relinquish, send a copy of the notice to the Tenant Farming Commissioner.

#### **32D Form and content of notice of intention to relinquish**

- (1) The Scottish Ministers may by regulations prescribe the form and content of notices of intention to relinquish.
- (2) Regulations under subsection (1) may, in particular, include provision for—
  - (a) such notices to be dated,
  - (b) such notices to state—

- (i) the names and designations of the landlord and the tenant of the agricultural holding,
  - (ii) the name (if any) and the address of the holding or such other description of the holding as will identify it,
  - (iii) the rent currently payable in respect of the holding,
  - (iv) the date on which the rent for the holding was last varied or, as the case may be, continued unchanged (whether by agreement or by determination of the Land Court),
  - (v) the improvements (if any) carried out to the holding by the tenant,
- (c) the information that must or may accompany such notices (which may include maps or plans of the holding).
- (3) Regulations under subsection (1) are subject to the negative procedure.

**32E Restrictions on serving notice of intention to relinquish**

- (1) A tenant may not serve a notice of intention to relinquish if, at the date of service, any of subsections (2) to (7) apply.
- (2) This subsection applies where the tenant has served notice of intention to quit.
- (3) This subsection applies where the tenant has failed to comply with a written demand, served on the tenant by the landlord, requiring the tenant—
  - (a) to pay rent due in respect of the holding within 2 months from the date of service of the demand, or
  - (b) to remedy a relevant breach within a reasonable time.
- (4) In subsection (3)(b), a “relevant breach” is a breach by the tenant of a condition of the tenancy which—
  - (a) is capable of being remedied, and
  - (b) is not inconsistent with the fulfilment of the tenant’s responsibilities to farm in accordance with the rules of good husbandry.
- (5) This subsection applies where the landlord has served notice to quit to which section 22(2) applies.
- (6) This subsection applies where the landlord has served notice to quit to which section 22(2) does not apply and—
  - (a) the period mentioned in section 23(1) within which the landlord may apply to the Land Court for consent to the operation of the notice has not expired,
  - (b) the landlord has applied in accordance with that section and the Land Court has yet to reach a decision, or
  - (c) the Land Court has, on such an application, consented to the notice and—
    - (i) any period within which an appeal may be made against that decision has not expired,
    - (ii) such a period has expired without an appeal having been made, or

- (iii) an appeal having been made, the decision of the Land Court to consent to the notice has been upheld.
- (7) This subsection applies where, in relation to a notice to quit to which section 22(2) does not apply, the Land Court has, following an application under section 23(1), refused consent to its operation and—
  - (a) any period within which an appeal may be made against that decision has not expired,
  - (b) an appeal has been made but not determined, or
  - (c) the decision of the Land Court to refuse consent to the notice has been quashed.

**32F      Restriction on notice to quit etc. where notice of intention to relinquish served**

- (1) This section applies where a tenant serves a notice of intention to relinquish.
- (2) During the relevant period, sections 22 to 24 and 43 have effect in relation to the tenancy subject to the following modifications.
- (3) The relevant period is the period beginning with the date of service of the notice of intention to relinquish and ending with—
  - (a) the date the tenancy is terminated under section 32S(2), or
  - (b) the date on which the period of 1 year mentioned in section 32T(2) expires.
- (4) Section 22(2) has effect as if—
  - (a) paragraphs (a) and (b) were omitted, and
  - (b) for “any of paragraphs (a) to (f)” there were substituted “any of paragraphs (c) to (f)”.
- (5) Section 24(1) has effect as if paragraph (e) were omitted.
- (6) Section 43 has effect as if, for subsection (2), there were substituted—
 

“(2) Compensation is not payable under this section where—

  - (a) the notice to quit relates to land being permanent pasture which the landlord has been in the habit of letting annually for seasonal grazing or of keeping in the landlord’s own occupation and which has been let to the tenant for a definite and limited period for cultivation as arable land on condition that the tenant must, along with the last or waygoing crop, sow permanent grass seeds, or
  - (b) the application of section 22(1) to the notice to quit is excluded by any of paragraphs (c) to (f) of subsection (2) of that section.”.

*Appointment of valuer*

**32G      Appointment of valuer by Tenant Farming Commissioner**

- (1) This section applies where the Tenant Farming Commissioner receives a copy of a notice of intention to relinquish.

- (2) The Commissioner must, before the expiry of the period mentioned in subsection (3), appoint a person, who meets the requirements mentioned in subsection (4), to—
  - (a) carry out the assessment mentioned in section 32I(1), and
  - (b) calculate the amount to be payable by the landlord to the tenant as compensation for the tenant quitting the tenancy were the landlord to accept the notice of intention to relinquish.
- (3) The period is—
  - (a) the period of 14 days beginning with the date on which the notice is served, or
  - (b) such other period specified by the Scottish Ministers by regulations.
- (4) The requirements referred to in subsection (2) are that the person appears to the Commissioner—
  - (a) to be independent of the landlord and the tenant, and
  - (b) to possess qualifications, knowledge and experience suitable for assessing the—
    - (i) value of agricultural land, both with vacant possession and where subject to agricultural holdings, and
    - (ii) compensation that may be payable to tenants and landlords of such holdings.
- (5) A person appointed under subsection (2) is the “valuer”.
- (6) The Tenant Farming Commissioner must give notice in writing to the tenant and the landlord of the name and address of the valuer appointed under subsection (2).
- (7) The tenant is responsible for meeting the expenses of the valuer in carrying out the valuer’s functions under this Part.
- (8) Regulations under subsection (3)(b) are subject to the negative procedure.

### **32H Objection to valuer appointed by Tenant Farming Commissioner**

- (1) This section applies where the tenant or the landlord objects to the person appointed under section 32G(2) by the Tenant Farming Commissioner on one or more of the grounds mentioned in subsection (2).
- (2) Those grounds are that the person—
  - (a) is not independent of the landlord or, as the case may be, the tenant, or
  - (b) does not possess the qualifications, knowledge and experience mentioned in section 32G(4)(b).
- (3) The tenant or, as the case may be, the landlord may apply to the Land Court to appoint a person as the valuer in place of the person appointed by the Tenant Farming Commissioner.
- (4) An application under subsection (3)—
  - (a) must—

- (i) be made before the expiry of the period of 14 days beginning with the date of the notice under section 32G(6), and
  - (ii) state the ground of objection to the person appointed by the Tenant Farming Commissioner, and
- (b) may propose a person to be appointed as the valuer in place of that person.
- (5) The Land Court may, on an application under subsection (3)—
  - (a) reject the objection, or
  - (b) appoint a person as the valuer (whether a person proposed in the application or not).
- (6) The decision of the Land Court on an application under subsection (3) is final.

*Valuer's assessment*

**32I Assessment of value of land etc.**

- (1) The valuer is to assess—
  - (a) the value of the land to which the holding relates—
    - (i) if sold with vacant possession,
    - (ii) if sold with the tenant still in occupation, and
  - (b) the amount of compensation—
    - (i) to which the tenant would be entitled, by virtue of Part 4, sections 40 and 41 or any agreement applying in place of that Part or those sections, in relation to any improvements to the holding,
    - (ii) to which the tenant would be entitled under section 44, and
    - (iii) to which the landlord would be entitled under sections 45 and 45A.
- (2) In assessing the value of the land under subsection (1)(a)(i) or (ii), the valuer—
  - (a) is to have regard to the value that would be likely to be agreed between a reasonable seller and buyer of such land assuming the seller and buyer are, as respects the transaction, willing,
  - (b) is to take account—
    - (i) in so far as such a seller and buyer of the land would do so, of any factor attributable to the known existence of a person who would be willing to buy the land at a price higher than other persons because of a characteristic of the land which relates peculiarly to that person's interest in buying it,
    - (ii) of when the landlord would in the normal course of events have been likely to recover vacant possession of the land from the tenant,
    - (iii) of the terms and conditions of any lease of sporting interests affecting the land,
  - (c) is to take no account of—



- (i) the absence of the period of time during which the land would, on the open market, be likely to be advertised and exposed for sale,
  - (ii) any factor attributable to any use of the land which is or would be unlawful,
  - (iii) any increase in the value of the land resulting from improvements carried out at the expense of the tenant,
  - (iv) any increase in the value of the land resulting from the use of any of the land, or changes to the land, for a purpose that is not an agricultural purpose or the carrying out of conservation activities on the land,
  - (v) any reduction in the value of the land resulting from any dilapidation or deterioration of, or damage to, fixed equipment or land caused or permitted by the tenant,
  - (vi) any reduction in the value of the land resulting from the use of any of the land, or changes to the land, for a purpose that is not an agricultural purpose or the carrying out of conservation activities on the land.
- (3) For the purposes of subsection (2)(c)(iii)—
- (a) subject to paragraph (b), “improvements” is to be construed by reference to schedule 5, and
  - (b) the continuous adoption by the tenant of a standard of farming more beneficial to the land than the standard or system required by the lease or, in so far as no system of farming is so required, than the system of farming normally practised on comparable agricultural land in the district, is to be treated as an improvement executed at the tenant’s expense.
- (4) The valuer is to calculate, in accordance with section 32K, the amount to be payable by the landlord to the tenant as compensation were the landlord to accept the notice of intention to relinquish.

**32J Valuation: further provision**

- (1) The valuer is—
- (a) to invite the landlord and the tenant to make written representations about the assessment under section 32I(1), and
  - (b) to have regard to any such representations.
- (2) The valuer may—
- (a) enter onto land, and
  - (b) make any reasonable request of the landlord and tenant,
- for the purposes of any assessment under section 32I(1).

### *Calculation of compensation*

#### **32K Compensation payable by landlord to tenant**

The amount to be payable by the landlord to the tenant as compensation were the landlord to accept the notice of intention to relinquish is to be calculated as follows:

##### *Step 1*

Deduct from the value of the land to which the holding relates if sold with vacant possession the value of the land if sold with the tenant still in occupation (both as assessed under section 32I(1) or, as the case may be, 32M(3)(a)).

##### *Step 2*

Divide the amount calculated under Step 1 by 2.

##### *Step 3*

Add to the amount of compensation to which the tenant would be entitled in relation to improvements the amount of compensation to which the tenant would be entitled under section 44 (as so assessed).

##### *Step 4*

Deduct from the amount calculated under Step 3 the amount of compensation to which the landlord would be entitled under sections 45 and 45A (as so assessed).

##### *Step 5*

Add to the amount calculated under Step 2 the amount calculated under Step 4.

### *Notice of assessment*

#### **32L Notice of assessment**

- (1) The valuer must, before the expiry of the period mentioned in subsection (2), serve a notice in writing, specifying the matters mentioned in subsection (3), on—
  - (a) the tenant, and
  - (b) the landlord.
- (2) The period is the period of 8 weeks beginning with—
  - (a) the date on which the period, within which an application under section 32H(3) may be made, expires, or
  - (b) where such an application is made, the date of the Land Court's decision on it.
- (3) The matters are—
  - (a) the value, assessed under section 32I(1)(a), of the land to which the holding relates—
    - (i) if sold with vacant possession, and
    - (ii) if sold with the tenant still in occupation,

- (b) the amount, assessed under section 32I(1)(b), of compensation—
    - (i) to which the tenant would be entitled in relation to any improvements to the holding,
    - (ii) to which the tenant would be entitled under section 44,
    - (iii) to which the landlord would be entitled under section 45 and 45A, and
  - (c) the amount, calculated in accordance with section 32K, to be payable by the landlord to the tenant as compensation were the landlord to accept the tenant's notice of intention to relinquish.
- (4) The notice must also—
    - (a) be dated,
    - (b) state the date of valuation of each of the values and amounts mentioned in subsection (3), and
    - (c) set out how the valuer arrived at each of those values and amounts.
  - (5) The notice may also contain or be accompanied by any other information that the valuer considers appropriate.
  - (6) A notice served under subsection (1) is a “notice of assessment”.
  - (7) The valuer must, at the same time as serving a notice of assessment, send a copy of the notice to the Tenant Farming Commissioner.

*Appeal against valuer's assessment*

**32M Appeal to Lands Tribunal against valuer's assessment**

- (1) The tenant or the landlord may appeal to the Lands Tribunal against a notice of assessment.
- (2) An appeal under this section must—
  - (a) state the grounds on which it is being made, and
  - (b) be lodged before the expiry of the period of 21 days beginning with the date the notice of assessment was served.
- (3) The Lands Tribunal may—
  - (a) reassess any value or amount of compensation mentioned in section 32I(1) (and any factor affecting the value or amount),
  - (b) determine the amount to be payable by the landlord to the tenant as compensation, calculated in accordance with section 32K, were the landlord to accept the tenant's notice of intention to relinquish.
- (4) The valuer whose assessment is appealed against may be a witness in the appeal proceedings.
- (5) In the appeal proceedings, in addition to the landlord and the tenant, the following persons are entitled to be heard—
  - (a) where the landlord is a creditor in a standard security, the owner of the land,

- (b) where the landlord is the owner of the land, any creditor in a standard security over the land or any part of it.
- (6) The Lands Tribunal is to give written reasons for its decision on an appeal under this section.
- (7) The decision of the Lands Tribunal in an appeal under this section is final.

**32N Referral of certain matters by Lands Tribunal to Land Court**

Where, in an appeal before the Lands Tribunal under section 32M, an issue of law arises which may competently be determined by the Land Court by virtue of this Act or the 2003 Act, the Tribunal is to refer the issue to the Land Court for determination unless the Tribunal considers that it is not appropriate to do so.

*Withdrawal of notice of intention to relinquish*

**32O Withdrawal of notice of intention to relinquish**

- (1) The tenant may, before the expiry of the period mentioned in subsection (2), withdraw a notice of intention to relinquish by serving notice on the landlord.
- (2) The period is—
  - (a) the period of 35 days beginning with the day the notice of assessment is served, or
  - (b) if an appeal is made to the Lands Tribunal under section 32M, the period of 14 days beginning with the date of the Tribunal's decision.
- (3) The tenant must, at the same time as serving notice under subsection (1), send a copy of the notice to—
  - (a) the Tenant Farming Commissioner,
  - (b) any valuer appointed under section 32G(2) or, as the case may be, 32H(5)(b).
- (4) Where the tenant serves notice under subsection (1)—
  - (a) if no person has been appointed as the valuer under section 32G(2), the Tenant Farming Commissioner need not so appoint a person,
  - (b) if a valuer has been appointed under section 32G(2) or, as the case may be, 32H(5)(b), the valuer's appointment comes to an end.

*Landlord's response to tenant's offer to quit tenancy*

**32P Landlord's acceptance of notice of intention to relinquish**

- (1) The section applies where the landlord wishes to accept the tenant's notice of intention to relinquish.
- (2) The landlord must—
  - (a) serve notice on the tenant which complies with subsection (3), and
  - (b) pay the amount of compensation calculated under section 32K before the expiry of the period mentioned in subsection (5).

- (3) A notice complies with this subsection if it—
  - (a) is served before the expiry of the period mentioned in subsection (4), and
  - (b) states that the landlord will, in exchange for the tenant quitting the tenancy, pay to the tenant—
    - (i) the amount of compensation assessed by the valuer and specified in the notice of assessment, or
    - (ii) where the Lands Tribunal has determined under section 32M(3)(b) that the compensation should be a different amount, that amount.
- (4) The period referred to in subsection (3)(a) is the period of 28 days beginning with the date on which the period, within which the tenant may, under section 32O, withdraw the notice of intention to relinquish, expires.
- (5) The period referred to in subsection (2)(b) is the period of 6 months beginning with the date on which the period, within which the tenant may, under section 32O, withdraw the notice of intention to relinquish, expires.
- (6) A notice served under subsection (2)(a) is a “notice of acceptance”.
- (7) The landlord must, at the same time as serving a notice of acceptance, send a copy of the notice to the Tenant Farming Commissioner.
- (8) The Scottish Ministers may by regulations specify the form and content of notices of acceptance.
- (9) Regulations under subsection (8) are subject to the negative procedure.

### **32Q Notice of declinature**

- (1) The landlord may, at any time before the expiry of the period of 28 days mentioned in section 32P(4), serve notice on the tenant stating that the landlord does not wish to accept the notice of intention to relinquish.
- (2) A notice served under subsection (1) is a “notice of declinature”.
- (3) The landlord must, at the same time as serving a notice of declinature, send a copy of the notice to—
  - (a) the Tenant Farming Commissioner,
  - (b) any valuer appointed under section 32G(2) or, as the case may be, 32H(5)(b).
- (4) Where the landlord serves notice of declinature—
  - (a) if no person has been appointed as the valuer under section 32G(2), the Tenant Farming Commissioner need not so appoint a person,
  - (b) if a valuer has been appointed under section 32G(2) or, as the case may be, 32H(5)(b), the valuer’s appointment comes to an end.

### **32R Withdrawal of notice of acceptance**

- (1) A landlord may, at any time before the expiry of the period of 6 months mentioned in section 32P(5), withdraw a notice of acceptance by serving notice in writing on the tenant.

- (2) A notice served under subsection (1) is a “notice of withdrawal”.
- (3) The landlord must, at the same time as serving notice of withdrawal, send a copy of the notice to the Tenant Farming Commissioner.
- (4) The tenant is entitled to recover from the landlord any loss or expense incurred in reliance on the landlord’s notice of acceptance.

*Payment of compensation ends tenancy*

**32S Consequences of landlord paying compensation to tenant**

- (1) This section applies where, on or before the expiry of the period mentioned in section 32P(5), the landlord pays to the tenant the amount of compensation in accordance with section 32P(2)(b).
- (2) The tenancy comes to an end—
  - (a) on the expiry of that period, or
  - (b) on such earlier date as the tenant and landlord may agree.
- (3) Where a tenancy is terminated under subsection (2), section 21 does not apply in respect of the tenancy.
- (4) Any claim or entitlement to compensation or any other payment, other than to the compensation mentioned in section 32I(1)(b), is preserved despite the payment of compensation in accordance with section 32P(2)(b).

## CHAPTER 2

### ASSIGNATION WHERE LANDLORD DOES NOT ACCEPT TENANT’S OFFER

**32T Assignment where landlord does not accept notice of intention to relinquish**

- (1) This section applies where the tenant serves notice of intention to relinquish and the landlord—
  - (a) serves notice of declinature,
  - (b) fails to serve notice of acceptance before the expiry of the period of 28 days mentioned in section 32P(4), or
  - (c) serves notice of acceptance but—
    - (i) serves notice of withdrawal before the expiry of the period of 6 months mentioned in section 32P(5), or
    - (ii) fails to pay the amount of compensation required before the expiry of that period in accordance with section 32P(2)(b).
- (2) The tenant may, before the expiry of the period of 1 year beginning with the date mentioned in subsection (3), assign the lease of the holding to an individual who is a new entrant to, or who is progressing in, farming.
- (3) That date is—
  - (a) the date notice of declinature is served,

- (b) where the landlord fails to serve notice of acceptance before the expiry of the period of 28 days mentioned in section 32P(4), the date falling at the end of that period,
- (c) the date notice of withdrawal is served, or
- (d) where the landlord fails to pay the amount of compensation required before the expiry of the period of 6 months mentioned in section 32P(5), the date falling at the end of that period.

### **32U Application of section 10A to assignment under this Part**

Section 10A has effect in relation to an assignment by virtue of section 32T(2)—

- (a) as if subsections (1), (1A) and (6) were omitted,
  - (b) as if, for subsections (3), (3A) and (3B) there were substituted—
- “(3) The landlord may withhold consent to the proposed assignment if—
- (a) the proposed assignee is not an individual who is a new entrant to farming or who is progressing in farming, or
  - (b) there are reasonable grounds for doing so.
- (3A) In subsection (3)(b), reasonable grounds include, in particular, that the landlord is not satisfied that the proposed assignee—
- (a) would have the ability to pay—
    - (i) the rent due under the lease, or
    - (ii) for adequate maintenance of the land, or
  - (b) has the skills or experience that would be required properly to manage and maintain the land in accordance with the rules of good husbandry.
- (3B) The ground of objection in subsection (3A)(b) does not apply where the proposed assignee is a new entrant to farming and—
- (a) is engaged in or will begin, before the expiry of the period of 6 months beginning with the date of the notice under subsection (2), a course of relevant training in agriculture which the person is expected to complete satisfactorily within 4 years from that date, and
  - (b) has made arrangements to secure that the holding is farmed with reasonable efficiency until the person completes that course.”.

## **CHAPTER 3**

### **INTERPRETATION**

### **32V Interpretation of Part**

In this Part—

“new entrant to farming” and “person progressing in farming” are to be construed in accordance with section 32B,

“notice of acceptance” has the meaning given by section 32P(6),  
 “notice of assessment” has the meaning given by section 32L(6),  
 “notice of declinature” has the meaning given by section 32Q(2),  
 “notice of intention to relinquish” has the meaning given by section 32C(2),  
 “notice of withdrawal” has the meaning given by section 32R(2),  
 “Tenant Farming Commissioner” means the person appointed under section 8(1) of the Land Reform (Scotland) Act 2016,  
 “valuer” means the person appointed under section 32G(2) or, as the case may be, 32H(5)(b).”.>

## **Richard Lochhead**

**326** After section 89, insert—

### **<Tenant’s offer to relinquish 1991 Act tenancy: consequential modifications**

- (1) In section 21(1) of the 1991 Act, after “section 20” insert “and Part 3A”.
- (2) The 2003 Act is amended as follows.
- (3) In section 55 (right to compensation for yielding vacant possession)—
  - (a) subsections (4) and (5) are repealed,
  - (b) in subsection (8), “or (5)” is repealed.
- (4) After section 74 insert—

### **“74A Application of Part 3A of the 1991 Act**

- (1) The Scottish Ministers may by regulations provide that Part 3A of the 1991 Act does not apply in relation to such types of partnership who are tenants, and in such circumstances, as the regulations may specify.
- (2) The Scottish Ministers may by regulations—
  - (a) provide that general partners, of such types of limited partnership as the regulations may specify, may, in such circumstances as may be so specified, exercise and enforce any rights of tenants conferred by Part 3A of that Act,
  - (b) provide that Part 3A, in its application in relation to—
    - (i) partnerships who are tenants, and
    - (ii) such partners of partnerships as may exercise or enforce any rights of tenants conferred by that Part,
 has effect with or subject to such modifications as the regulations may specify,
  - (c) make such further provision in relation to such partnerships and partners as they consider appropriate for the purposes of that Part.
- (3) Regulations under subsection (2) may make different provision for different types of partnership.”.>



## Section 90

### Richard Lochhead

- 203 In section 90, page 90, line 22, leave out <Part> and insert <Chapter>

### Richard Lochhead

- 204 In section 90, page 90, line 35, leave out <2> and insert <3>

### Angus MacDonald

- 276 In section 90, page 91, leave out lines 1 to 3 and insert—  
    <( ) in relation to a Part 1 improvement—  
        (i) the tenant carried out the improvement without the landlord's consent, or>

### Angus MacDonald

- 277 In section 90, page 91, line 4, at beginning insert <the landlord gave consent, whether orally or in writing, and>

### Angus MacDonald

- 278 In section 90, page 91, line 4, after first <manner> insert <substantially>

### Angus MacDonald

- 279 In section 90, page 91, line 6, at beginning insert <in relation to a Part 2 improvement,>

### Angus MacDonald

- 280 In section 90, page 91, line 8, after first <manner> insert <substantially>

### Richard Lochhead

- 205 In section 90, page 91, line 11, after second <Act> insert <(as read with section 39(1) of the 1991 Act)>

### Richard Lochhead

- 208 In section 90, page 91, line 14, at end insert <(as read with section 39(2) of the 1991 Act).>

### Angus MacDonald

- 281 In section 90, page 91, line 14, at end insert—  
    <( ) in relation to a Part 3 improvement, the tenant had given notice under section 34(8) of the 1991 Act and the tenant carried out the improvement in a manner substantially different to the manner proposed in the notice.>

### Claudia Beamish

- 327 In section 90, page 91, line 14, at end insert—

<( ) In any dispute as to whether subsection (5) applies (and hence whether a tenant is entitled to give notice under subsection (4)), it is for the landlord to prove (for example, by providing a copy of any written notice given at the relevant time) that—

(a) the landlord did not give consent as referred to in subsection (5)(a)(i), or

(b) the landlord objected as referred to in subsection (5)(a)(ii),

and that, in either case, reasonable grounds were given for the landlord's decision (not to give consent or, as the case may be, to object).>

**Richard Lochhead**

- 206** In section 90, page 91, line 16, leave out <custom or agreement> and insert <custom, agreement or otherwise>

**Richard Lochhead**

- 207** In section 90, page 91, leave out lines 38 and 39

**Section 92**

**Richard Lochhead**

- 209** In section 92, page 92, line 23, at end insert—

<( ) Section 84(4) of the 1991 Act applies to the giving of an amnesty notice as it applies to the giving of a notice under that Act.>

**Section 94**

**Claudia Beamish**

- 137** In section 94, page 93, line 7, leave out from <before> to end of line 11 and insert—

<(a) invite the landlord, in writing, to settle the dispute by arbitration in accordance with subsection (1A), or

(b) apply to the Land Court for approval of the relevant improvement for the purposes of section 34 of the 1991 Act or, as the case may be, section 45 of the 2003 Act.

(1A) A dispute is settled in accordance with this subsection if—

(a) the landlord accepts, in writing, the tenant's invitation,

(b) the landlord and the tenant agree, in writing, on a third party who is to act as arbiter in the dispute and to accept the arbiter's findings as binding on both of them,

(c) the third party agrees, in writing, to act as arbiter,

(d) the arbiter is provided with copies of the amnesty notice, the notice of objection and any other information the arbiter reasonably requires, and

(e) the arbiter is able to reach a decision on the matters in dispute.

(1B) Where the tenant issues an invitation under paragraph (a) of subsection (1), the tenant's right to apply to the Land Court under subsection (1)(b) is suspended until—

(a) the invitation is refused,

- (b) the end of the period of 1 month beginning with the day on which the invitation is issued if, by that date, no-one has agreed to act as arbiter, or
  - (c) the dispute is settled in accordance with subsection (1A) or the arbiter concludes that it cannot be so settled.
- (1C) If the dispute is settled in accordance with subsection (1A), the tenant's right to apply to the Land Court under subsection (1)(b) is extinguished.
- (1D) An application to the Land Court under subsection (1)(b) may be made at any time before the end of the period of 2 months beginning with—
- (a) the day on which the tenant received the notice of objection, or
  - (b) where the right to make the application was suspended under subsection (1B), the day on which that suspension ended.
- (2) The Land Court may, where an application is made to it under subsection (1)(b),>

**Claudia Beamish**

**138** In section 94, page 93, line 7, leave out from <before> to end of line 11 and insert—

- <(a) invite the landlord, in writing, to settle the dispute by arbitration in accordance with subsection (1A), or
  - (b) apply to the Land Court for approval of the relevant improvement for the purposes of section 34 of the 1991 Act or, as the case may be, section 45 of the 2003 Act.
- (1A) A dispute is settled in accordance with this subsection if—
- (a) the landlord accepts, in writing, the tenant's invitation,
  - (b) a person approved as an arbiter for the purpose of this section by the Tenant Farming Commissioner is appointed to act as arbiter,
  - (c) the arbiter is provided with copies of the amnesty notice, the notice of objection and any other information the arbiter reasonably requires, and
  - (d) the arbiter is able to reach a decision on the matters in dispute.
- (1B) Where the tenant issues an invitation under paragraph (a) of subsection (1), the tenant's right to apply to the Land Court under subsection (1)(b) is suspended until—
- (a) the invitation is refused,
  - (b) the end of the period of 1 month beginning with the day on which the invitation is issued if, by that date, no-one has been appointed as arbiter, or
  - (c) the dispute is settled in accordance with subsection (1A) or the arbiter concludes that it cannot be so settled.
- (1C) If the dispute is settled in accordance with subsection (1A), the tenant's right to apply to the Land Court under subsection (1)(b) is extinguished.
- (1D) An application to the Land Court under subsection (1)(b) may be made at any time before the end of the period of 2 months beginning with—
- (a) the day on which the tenant received the notice of objection, or
  - (b) where the right to make the application was suspended under subsection (1B), the day on which that suspension ended.
- (2) The Land Court may, where an application is made to it under subsection (1)(b),>

## After section 95

**Claudia Beamish**

**282** After section 95, insert—

### *<Waygo procedure*

#### **Two-stage procedure for assessing compensation for tenants' improvements**

- (1) Section 21 of the 1991 Act (notice to quit and notice of intention to quit) is amended as follows—
  - (a) in subsection (3), add at the end—
    - “(e) if it is a notice to quit—
      - (i) it is given at least 90 days after the intimation mentioned in subsection (3A) is given, and
      - (f) it specifies, in relation to any improvements made (or expected to be made) by the tenant during the tenancy for which compensation is payable under Part 4 of this Act, an amount of compensation that has been agreed between the landlord and the tenant or determined by arbitration.”,
  - (b) after that subsection, insert—

“(3A) A notice to quit under subsection (3) is of no effect unless the landlord has given to the tenant, not less than 2 years nor more than 3 years before the expiry of the term of the tenancy, written intimation of—

    - (a) the landlord's intention to terminate the tenancy, and
    - (b) in relation to any improvements made (or expected to be made) by the tenant during the tenancy for which compensation is (or would be) payable under Part 4 of this Act, either or both of—
      - (i) a proposed amount of compensation,
      - (ii) the landlord's intention to refer the amount of that compensation to arbitration (if it cannot be agreed with the tenant).”.
- (2) The 2003 Act is amended as follows.
- (3) In section 6 (assignment, subletting and termination of short limited duration tenancies), add at the end of subsection (4) “if the agreement is in writing and makes provision as to compensation payable by the landlord or the tenant to the other”.
- (4) In section 8 (continuation and termination of limited duration tenancies)—
  - (a) in subsection (4), add at the end—

“(c) specify, in relation to any improvements made (or expected to be made) by the tenant during the tenancy for which compensation is (or would be) payable under Part 4 of this Act, an amount of compensation that has been agreed between the landlord and the tenant or determined by arbitration.”,
  - (b) after subsection (5) insert—

“(5A) An intimation under subsection (5) must include, in relation to any improvements made (or expected to be made) by the tenant during the tenancy for which compensation is (or would be) payable under Part 4 of this Act, either or both of—

- (a) a proposed amount of compensation,
- (b) the landlord’s intention to refer the amount of that compensation to arbitration (if it cannot be agreed with the tenant).”>

## **Section 96**

### **Richard Lochhead**

**210** In section 96, page 97, line 11, at end insert <or

- ( ) subject to subsection (1A), a repairing tenancy within the meaning of section 5C,>

### **Richard Lochhead**

**211** In section 96, page 97, line 12, at end insert—

<(1A) Subsection (1) does not apply in respect of the landlord of a repairing tenancy in relation to which the repairing period has not expired.>

### **Richard Lochhead**

**212** In section 96, page 97, line 16, after <49(2)> insert <(as read with section 39(3) of the 1991 Act)>

## **After section 97**

### **Claudia Beamish**

**152** After section 97, insert—

### **<CHAPTER**

#### **HOUSING STANDARDS**

#### **Application of repairing standard to agricultural tenancies etc.**

- (1) Section 12 of the Housing (Scotland) Act 2006 is amended as follows.
- (2) The title of the section becomes “**Tenancies etc. to which repairing standard duty applies**”.
- (3) In subsection (1), paragraph (c) is repealed.
- (4) After that subsection insert—

“(1A) This Chapter applies to an occupancy arrangement under which a tenant whose lease constitutes a relevant tenancy is entitled, otherwise than under the lease, to occupy a house situated on land comprised in that lease.

(1B) For the purposes of subsection (1A), “a relevant tenancy” is—

- (a) a 1991 Act tenancy (within the meaning of the Agricultural Holdings (Scotland) Act 2003,

- (b) a short limited duration tenancy (within the meaning of that Act),
- (c) a limited duration tenancy (within the meaning of that Act), or
- (d) a modern limited duration tenancy (within the meaning of that Act).”.>

**Graeme Dey**

**283** After section 97, insert—

## **<CHAPTER**

### **DIVERSIFICATION**

#### **Use of land for non-agricultural purposes: objection to notice of diversification**

- (1) The 2003 Act is amended as follows.
- (2) In section 40—
  - (a) in subsection (1), for “section 41” substitute “in sections 40A and 41”,
  - (b) after subsection (5) insert—
    - “(5A) Where the landlord objects to the notice of diversification, the land may be used for the purpose specified under paragraph (a), and as specified under paragraphs (b) and (c), of subsection (2)—
      - (a) only if—
        - (i) the landlord withdraws the objection,
        - (ii) the landlord does not apply under section 40A for a determination in relation to the objection, or
        - (iii) such an application having been made, the Land Court determines under section 41 that the objection is unreasonable,
      - (b) from the relevant date, and
      - (c) subject to any conditions imposed—
        - (i) by the landlord under subsection (14), or
        - (ii) by the Land Court under section 41(2) or (3).
    - (5B) For the purposes of subsection (5A)(b), the relevant date is—
      - (a) where no application is made under section 40A—
        - (i) the date specified under subsection (2)(d),
        - (ii) if the objection is withdrawn, the date of the withdrawal,
        - (iii) the date the period mentioned in section 40A(3) expires,
 whichever is the later,
      - (b) where an application is made under section 40A, the date fixed by the Land Court under section 41(1)(b)(ii).”,
- (c) after subsection (13) insert—
  - “(14) Where the landlord withdraws the objection under subsection (9) before the expiry of the period mentioned in section 40A(3), the landlord—
    - (a) must notify the tenant in writing of the withdrawal, and

- (b) may impose any conditions as mentioned in subsection (10) and, where such conditions are imposed, must, at the same time as notifying the tenant of the withdrawal of the objection, notify the tenant in writing of the conditions (and the reasons for imposing them).”.
- (3) After that section insert—
  - “40A Landlord’s objection: application to Land Court**
  - (1) This section applies where the landlord gives notice of an objection under section 40(11)(a) to a notice of diversification.
  - (2) The landlord may, before the expiry of the period mentioned in subsection (3), apply to the Land Court for a determination under section 41 that the objection is reasonable.
  - (3) That period is 60 days from the giving of notice of the objection under section 40(11)(a).
  - (4) The objection ceases to have effect—
    - (a) on the expiry of the period mentioned in subsection (3) unless the landlord applies, before the expiry of that period, to the Land Court under subsection (2), or
    - (b) if it is withdrawn before the expiry of that period, no such application having been made.”.
- (4) In section 41—
  - (a) in subsection (1), after “Where” insert “, on an application made by the landlord under section 40A(2),”,
  - (b) in subsection (2), for “40(4)(a)” substitute “40(4)(a) or (5A)”,
  - (c) in subsection (3)—
    - (i) after “Where” insert “, on the application of the tenant,”,
    - (ii) after “section 40(10)” insert “ or, as the case may be, (14)”.>

## **Graeme Dey**

**284** After section 97, insert—

### **<Use of land for non-agricultural purposes: requests for information**

- (1) The 2003 Act is amended as follows.
- (2) In section 40—
  - (a) in subsection (5), for paragraph (b) substitute—
    - “(b) where the landlord has made a request for information under subsection (6), the date falling 70 days from the making of the request, if later than the date so specified,”,
  - (b) for subsection (6) substitute—
    - “(6) The landlord may, on one occasion within 30 days of the giving of the notice of diversification, request the tenant to provide the landlord with relevant information.”,
  - (c) in subsection (12), for paragraph (a) substitute—

- “(a) where the landlord has made a request for information under subsection (6), 60 days from the making of the request,”.>

**Sarah Boyack**

**Supported by: Graeme Dey**

**302** After section 97, insert—

#### <CHAPTER

#### ALTERNATIVE FORMS OF DISPUTE RESOLUTION

##### **Alternative forms of dispute resolution**

- (1) The Scottish Ministers may by regulations provide for specified matters which are required, under the 1991 Act, the 2003 Act or this Act, to be referred to the Land Court to be referred instead—
  - (a) to arbitration, or
  - (b) for expert determination.
- (2) Regulations under subsection (1) may also provide for the procedure to be followed in connection with matters referred to arbitration or for expert determination.
- (3) Regulations under subsection (1) may modify any enactment (including this Act).
- (4) In subsection (1), “specified” means specified in the regulations.>

#### **Section 22**

**Claudia Beamish**

**304** In section 22, page 10, line 24, at end insert—

- <( ) to prepare and promote codes of conduct in accordance with section (*Tenant Farming Commissioner: codes of conduct*),>

**Rob Gibson**

**285** In section 22, page 10, line 26, at end insert—

- <( ) to prepare recommendations for a modern list of improvements to agricultural holdings in accordance with section (*Recommendations by Tenant Farming Commissioner for modern list of improvements*),>

**Claudia Beamish**

**305** In section 22, page 10, line 26, at end insert—

- <( ) to audit compliance with the codes of practice in accordance with section (*Tenant Farming Commissioner: duty to audit compliance with codes of practice*),>

**Richard Lochhead**

**213** In section 22, page 10, line 30, at end insert—

- <( ) to exercise any other functions conferred on the Commissioner by any enactment.>



**Alex Fergusson**

**116** In section 22, page 10, line 30, at end insert—

<( ) to provide or secure the provision of services of mediation or arbitration between landlords and tenants of agricultural holdings, to such extent and in such circumstances as the Commissioner considers appropriate.>

**Richard Lochhead**

**214** In section 22, page 10, line 30, at end insert—

<( ) The Tenant Farming Commissioner must exercise the Commissioner's functions with a view to encouraging good relations between landlords and tenants of agricultural holdings.>

**Richard Lochhead**

**215** In section 22, page 10, line 33, leave out <5> and insert <3>

**Richard Lochhead**

**216** In section 22, page 10, line 34, at end insert—

<( ) In carrying out a review under subsection (2), the Scottish Ministers must—

- (a) invite the Tenant Farming Commissioner to give views on the operation of the Commissioner's functions and, in particular, on whether the Commissioner's powers are sufficient in relation to the Commissioner's duties, and
- (b) have regard to any such views given by the Commissioner.>

**Section 25**

**Richard Lochhead**

**217** In section 25, page 11, line 30, after <holdings> insert <and their agents>

**Claudia Beamish**

**139** In section 25, page 11, line 30, at end insert—

<( ) The Commissioner must, in particular, prepare a code of practice about negotiating and conducting rent reviews.>

**Claudia Beamish**

**140** In section 25, page 11, line 30, at end insert—

<( ) The Commissioner must, in particular, prepare a code of practice about agreeing and recording improvements by tenants.>

**Claudia Beamish**

**141** In section 25, page 11, line 30, at end insert—

<( ) The Commissioner must, in particular, prepare a code of practice about the process of succession and assignment.>

**Claudia Beamish**

**142** In section 25, page 11, line 30, at end insert—

<( ) The Commissioner must, in particular, prepare a code of practice about determining compensation at waygo.>

**Claudia Beamish**

**143** In section 25, page 11, leave out line 32

**Claudia Beamish**

**144** In section 25, page 11, leave out line 33

**Richard Lochhead**

**218** In section 25, page 11, line 34, at end insert—

<( ) the conduct of agents of landlords and tenants,>

**Claudia Beamish**

**145** In section 25, page 11, leave out line 35

**Claudia Beamish**

**146** In section 25, page 11, leave out line 36

**Richard Lochhead**

**219** In section 25, page 12, line 1, after <tenancy> insert <and a repairing tenancy>

**Section 26**

**Richard Lochhead**

**220** In section 26, page 12, line 28, after <holdings> insert <and their agents>

**Richard Lochhead**

**221** In section 26, page 12, line 29, leave out <between> and insert <among>

**Richard Lochhead**

**222** In section 26, page 12, line 30, after <holdings> insert <and their agents>

**After section 26**

**Claudia Beamish**

**147** After section 26, insert—

**<Duty to comply with codes of practice**

- (1) Any person to whom a code of practice applies has a duty to comply with it (to the extent that it applies to the person).
- (2) In this section, a “code of practice” means a code of practice prepared by the Tenant Farming Commissioner and published under section 25.>

**Claudia Beamish**

**306** After section 26, insert—

*<Tenant Farming Commissioner: codes of conduct*

**Tenant Farming Commissioner: codes of conduct**

- (1) The Tenant Farming Commissioner must prepare, for the purpose of encouraging good relations between landlords and tenants of agricultural holdings, codes of conduct on the standards each can expect from the other, particularly in relation to the observance of codes of practice issued under section 25.
- (2) The codes of conduct may include, among other things, provision about—
  - (a) standards of behaviour,
  - (b) communication,
  - (c) politeness and mutual respect.
- (3) Subsections (3) to (6) of section 25 apply to codes of conduct as they apply (under that section) to codes of practice.>

**Section 27**

**Richard Lochhead**

**223** In section 27, page 12, line 37, leave out first <a> and insert <an alleged>

**Section 28**

**Richard Lochhead**

**224** In section 28, page 13, leave out lines 23 and 24

**Section 29**

**Jim Hume**

**286** In section 29, page 14, line 11, after <with> insert <—  
( )>

**Richard Lochhead**

**225** In section 29, page 14, leave out line 13

**Jim Hume**

**287** In section 29, page 14, line 15, at end insert—

<( ) any provision of a code of practice prepared under section 25.>

**After section 33**

**Rob Gibson**

**288** After section 33, insert—

*<Tenant Farming Commissioner: modern list of improvements*

**Recommendations by Tenant Farming Commissioner for modern list of improvements**

- (1) The Tenant Farming Commissioner must—
  - (a) prepare a report setting out recommendations for a modern list of improvements to agricultural holdings,
  - (b) submit the report to the Scottish Ministers.
- (2) Before submitting the report to the Scottish Ministers under this section, the Commissioner must consult any persons appearing to have an interest in the draft recommendations.>

**Claudia Beamish**

**307** After section 33, insert—

*<Tenant Farming Commissioner: audit function*

**Tenant Farming Commissioner: duty to audit compliance with codes of practice**

- (1) The Tenant Farming Commissioner is to audit compliance with the codes of practice issued under section 25 by conducting (from time to time) inquiries into how particular landlords and tenants of agricultural holdings are dealing with matters about which the codes make provision.
- (2) The Commissioner is to prepare and publish, as frequently as the Commissioner considers appropriate, reports (“audit reports”) on the outcome of inquiries conducted under subsection (1).
- (3) The Commissioner is to ensure, so far as reasonably practicable, that audit reports do not identify, or allow the identification of, particular landlords or tenants.>

**Before section 98**

**Michael Russell**

**303\*** Before section 98, insert—

## **<PART**

### **SMALL LANDHOLDINGS**

#### **Right of small landholder to buy smallholding**

- (1) The tenant of a small landholding may, failing agreement with the landlord of the small landholding as to the acquisition by the tenant of the small landholding, apply to the Land Court for an order authorising the tenant to make such an acquisition.
- (2) The Scottish Ministers may by regulations make further provision about the acquisition of small landholdings under subsection (1).
- (3) Regulations under subsection (2) may in particular include provision about—
  - (a) procedures to be followed in connection with acquisitions under subsection (1), and
  - (b) the price at which a small landholding may be acquired under subsection (1).
- (4) Regulations under subsection (2) may modify any enactment.
- (5) In this section, a “small landholding” is a landholding the tenancy of which is governed by the Small Landholders (Scotland) Act 1911.>

### **Section 98**

#### **Michael Russell**

- 96** In section 98, page 100, line 31, at end insert—  
    <“equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part 2 of schedule 5 of the Scotland Act 1998,>

#### **Michael Russell**

- 97** In section 98, page 100, line 31, at end insert—  
    <“human rights” includes such economic, social and cultural rights as are referred to in—  
    (a) the International Covenant on Economic, Social and Cultural Rights (as cited in section 98(5A) of the Land Reform (Scotland) Act 2003 and qualified by the amendments, reservations, objections or interpretative declarations mentioned in that section), or  
    (b) such other international covenants, conventions, agreements or EU documents as the Scottish Ministers (after consulting the Scottish Human Rights Commission and such other bodies or persons as the Scottish Ministers consider appropriate) consider to be relevant.>

#### **Sarah Boyack**

- 97A** As an amendment to amendment 97, line 7, after <section),> insert—  
    <( ) the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security issued by the Food and Agriculture Organization of the United Nations,>

**Sarah Boyack**

117 In section 98, page 100, line 32, at end insert—

<“sustainable development” means development that is consistent with the 5 principles set out in the document One future – different paths: The UK’s shared framework for sustainable development, agreed between HM Government, the Scottish Executive, the Welsh Assembly Government and the Northern Ireland Office in 2005.>

**Section 99**

**Graeme Dey**

69 In section 99, page 101, leave out line 17

**Michael Russell**

98 In section 99, page 101, line 17, at end insert—

<( ) section (*Non-compliance with guidance under section 37*)(4),>

**Alex Fergusson**

118 In section 99, page 101, line 27, at end insert—

<( ) section (*Reversion of land to further sustainable development*)(4)(f),

( ) section (*Reversion of land to further sustainable development*)(7),>

**Sarah Boyack**

132 In section 99, page 101, line 27, at end insert—

<( ) section (*Compulsory sale orders*)(2) and (4),>

**Richard Lochhead**

226 In section 99, page 101, leave out line 28

**Sarah Boyack**

**Supported by: Graeme Dey**

308 In section 99, page 101, line 28, at end insert—

<( ) section (*Alternative forms of dispute resolution*),>

**Michael Russell**

309 In section 99, page 101, line 28, at end insert—

<( ) section (*Right of small landholders to buy smallholding*),>

## Section 102

**Aileen McLeod**

**70** In section 102, page 102, line 8, at end insert—

<(1) Schedule (*Right to buy land to further sustainable development: minor and consequential modifications*), which contains minor amendments and amendments consequential upon the provisions of Part 5, has effect.

(2)>

### Before schedule

**Aileen McLeod**

**71** Before the schedule, insert—

#### <SCHEDULE

*(introduced by section 102(1))*

#### RIGHT TO BUY LAND TO FURTHER SUSTAINABLE DEVELOPMENT: MINOR AND CONSEQUENTIAL MODIFICATIONS

##### *Land Reform (Scotland) Act 2003*

1 (1) The Land Reform (Scotland) Act 2003 is amended as follows.

(2) In section 52 (ballot procedure), for subsection (4) substitute—

“(4) The period referred to in subsection (3) above is—

(a) the period of 12 weeks beginning with the date on which a valuer is appointed under section 59(1) in respect of the land in relation to which the community body has confirmed it will exercise its right to buy, or

(b) where—

(i) the ballotter receives notification under section 60(3C), and

(ii) the date notified under paragraph (c) of that subsection is after the end of the 12 week period beginning with the date on which a valuer is appointed under section 59(1),

the period beginning with the date on which a valuer is appointed under section 59(1) and ending with the day after the date notified to the ballotter under section 60(3C).”.

(3) In section 97N (effect of Ministers’ decision on right to buy), in subsection (2)(b), for “Register of Community Rights in Abandoned, Neglected or Detrimental Land” substitute “New Register”.

(4) In section 97V (appeals), in subsection (9)(a), for “Register of Community Interests in Abandoned, Neglected or Detrimental Land” substitute “New Register”.>

## Schedule

### Richard Lochhead

- 227** In the schedule, page 103, line 9, leave out <or modern limited duration tenancies"> and insert <, modern limited duration tenancies or repairing tenancies">

### Richard Lochhead

- 228** In the schedule, page 103, line 9, at end insert—  
<1991 Act
- (1) The 1991 Act is amended as follows.
  - (2) In section 21(1) (notice to quit and notice of intention to quit), leave out “2” and insert “2A”.>

### Richard Lochhead

- 229** In the schedule, page 103, line 13, leave out <or modern limited duration tenancy"> and insert <, modern limited duration tenancy or repairing tenancy">

### Richard Lochhead

- 230** In the schedule, page 103, line 15, leave out <or a modern limited duration tenancy"> and insert <, a modern limited duration tenancy or a repairing tenancy">

### Richard Lochhead

- 231** In the schedule, page 103, line 21, at end insert <, or
- (v) a repairing tenancy within the meaning of that Act.”.>

### Richard Lochhead

- 232** In the schedule, page 103, line 25, leave out <or a modern limited duration tenancy"> and insert <, a modern limited duration tenancy or a repairing tenancy">

### Richard Lochhead

- 233** In the schedule, page 103, line 30, leave out <or a modern limited duration tenancy"> and insert <, a modern limited duration tenancy or a repairing tenancy">

### Richard Lochhead

- 234** In the schedule, page 104, line 2, leave out <“or a modern limited duration tenancy"> and insert <“, a modern limited duration tenancy or a repairing tenancy">

### Richard Lochhead

- 235** In the schedule, page 104, line 4, leave out <“or a modern limited duration tenancy"> and insert <“, a modern limited duration tenancy or a repairing tenancy">



**Richard Lochhead**

- 236 In the schedule, page 104, line 5, leave out <or 16A"> and insert <, 16A or 16B">

**Richard Lochhead**

- 237 In the schedule, page 104, line 7, leave out <or a modern limited duration tenancy"> and insert <, a modern limited duration tenancy or a repairing tenancy">

**Richard Lochhead**

- 238 In the schedule, page 104, line 12, leave out <or a modern limited duration tenancy"> and insert <, a modern limited duration tenancy or a repairing tenancy">

**Richard Lochhead**

- 239 In the schedule, page 104, line 13, leave out <"or section 16A"> and insert <"section 16A or, as the case may be, section 16B">

**Richard Lochhead**

- 240 In the schedule, page 104, line 14, leave out <"or 16A"> and insert <" , 16A or, as the case may be, 16B">

**Richard Lochhead**

- 241 In the schedule, page 104, line 15, leave out <"or section 16A"> and insert <" section 16A or, as the case may be, section 16B,">

**Richard Lochhead**

- 242 In the schedule, page 104, line 16, leave out <"or 16A"> and insert <" 16A or, as the case may be, 16B">

**Richard Lochhead**

- 243 In the schedule, page 104, line 18, leave out <and modern limited duration tenancies"> and insert <, modern limited duration tenancies and repairing tenancies">

**Richard Lochhead**

- 244 In the schedule, page 104, line 21, leave out <and modern limited duration tenancies"> and insert <, modern limited duration tenancies and repairing tenancies">

**Richard Lochhead**

- 245 In the schedule, page 104, line 28, leave out <or a modern limited duration tenancy"> and insert <, a modern limited duration tenancy or a repairing tenancy">

**Richard Lochhead**

- 246 In the schedule, page 104, line 32, leave out <or a modern limited duration tenancy"> and insert <, a modern limited duration tenancy or a repairing tenancy">

**Richard Lochhead**

- 247 In the schedule, page 104, line 34, leave out <or a modern limited duration tenancy"> and insert <, a modern limited duration tenancy or a repairing tenancy">

**Richard Lochhead**

- 248 In the schedule, page 104, line 36, leave out <or a modern limited duration tenancy"> and insert <, a modern limited duration tenancy or a repairing tenancy">

**Richard Lochhead**

- 249 In the schedule, page 105, line 1, at end insert <, or  
(d) tenancy under a lease constituting a repairing tenancy,".>

**Richard Lochhead**

- 250 In the schedule, page 105, line 5, after <tenancy> insert <, or  
(d) a repairing tenancy,".>

**Rob Gibson**

- 289 In the schedule, page 105, line 7, leave out <improvements),> and insert <improvements)—  
( )>

**Rob Gibson**

- 290 In the schedule, page 105, line 9, at end insert—  
<( ) after subsection (4) insert—  
“(5) Nothing in any order made under section 73 of the 1991 Act which varies the provisions of schedule 5 to that Act affects the right of a tenant of a short limited duration tenancy, a limited duration tenancy or a modern limited duration tenancy to claim, in respect of an improvement made or begun before the date on which such order comes into force, any compensation to which, but for the making of the order, the tenant would have been entitled.”.>

**Richard Lochhead**

- 251 In the schedule, page 105, line 34, leave out <created under section 5A>

**Richard Lochhead**

- 252 In the schedule, page 106, line 11, leave out <or a modern limited duration tenancy"> and insert <, a modern limited duration tenancy or a repairing tenancy">

**Richard Lochhead**

- 253 In the schedule, page 106, line 14, leave out <(2)(a),> and insert <(2)(a)—  
( ) “or” immediately after sub-paragraph (ii) is repealed,  
( )>

**Richard Lochhead**

- 254 In the schedule, page 106, line 15, at end insert <or  
(iib) a repairing tenancy,”>

**Richard Lochhead**

- 255 In the schedule, page 106, line 17, leave out <“or a modern limited duration tenancy”> and insert  
<“, a modern limited duration tenancy or a repairing tenancy”>

**Richard Lochhead**

- 256 In the schedule, page 106, line 18, leave out <7A(1)”> and insert <7B(1), 7D(1) or 7D(7)”>

**Richard Lochhead**

- 257 In the schedule, page 106, line 20, leave out <“, a modern limited duration tenancy”> and insert  
<“, a modern limited duration tenancy, a repairing tenancy”>

**Richard Lochhead**

- 258 In the schedule, page 106, line 22, leave out <and modern limited duration tenancies”> and insert  
<, modern limited duration tenancies and repairing tenancies”>

**Richard Lochhead**

- 259 In the schedule, page 106, line 24, leave out <, after the definition of “limited duration tenancy”  
insert—> and insert <—

( ) for the definition of “limited duration tenancy” substitute—

““limited duration tenancy” means a tenancy—

(a) created by virtue of section 5(1), or

(b) converted by virtue of section 5(2), (3) or (4),

before the repeal of that section by section 74(2) of the Land Reform  
(Scotland) Act 2016,>

**Richard Lochhead**

- 260 In the schedule, page 106, line 26, at end insert—

<( ) after the definition of “the Parliament” insert—

““repairing tenancy” is to be construed in accordance with section  
5C,”>

**Richard Lochhead**

- 261 In the schedule, page 106, line 31, leave out <or modern limited duration tenancy”> and insert <,  
modern limited duration tenancy or repairing tenancy”>

**Claudia Beamish**

- 153 In the schedule, page 106, leave out lines 32 to 38

**Richard Lochhead**

- 262 In the schedule, page 106, line 38, at end insert <or  
(E) a repairing tenancy (within the meaning of that Act),”.>

**Alex Fergusson**

- 300 In the schedule, page 107, line 12, leave out paragraphs 9 to 11

**Richard Lochhead**

- 263 In the schedule, page 107, line 24, after <7(2)> insert <of schedule 1A>

**Richard Lochhead**

- 264 In the schedule, page 107, line 27, at end insert—  
<( ) In section 54 (compensation where compulsory acquisition of land), in subsection (6)(b)—  
(a) for “sections 13 and 15 of that Act” substitute “paragraph 7 of schedule 1A and section 15 of that Act”,  
(b) for “sections 9 and 10” substitute “sections 9B and 10”.>

**Richard Lochhead**

- 265 In the schedule, page 109, leave out line 1

**Alex Fergusson**

- 328 In the schedule, page 109, line 23, at end insert—  
<( ) in subsection (3), paragraph (d) is omitted,>

**Alex Fergusson**

- 329 In the schedule, page 109, line 26, leave out <12B(2),> and insert <12B—  
(i) in subsection (2),>

**Alex Fergusson**

- 330 In the schedule, page 109, line 27, at end insert—  
<(ii) in subsection (4)—  
(A) for “the condition mentioned in subsection (4A) and any other” substitute “any”,  
(B) for “are” substitute “is”,  
(iii) subsection (4A) is omitted,>

**Richard Lochhead**

- 266 In the schedule, page 110, line 6, leave out <9B(3), 9C(6)>

**Richard Lochhead**

- 267 In the schedule, page 110, line 9, after <(4)(b),> insert <—  
( ) after “section” insert “9B(3), 9C(6),”,  
( )>

**Richard Lochhead**

- 268 In the schedule, page 110, line 9, after <38N(4)> insert <, 59A>

**Richard Lochhead**

- 269 In the schedule, page 110, line 9, at end insert—  
<( ) for “or 74,” substitute “, 74 or 74A,”.>

**Section 103**

**Patrick Harvie**

- 133 In section 103, page 102, line 12, after <sections> insert <(Entry in valuation roll of vacant and derelict land),>

**Michael Russell**

- 4 In section 103, page 102, line 12, after <sections> insert <69 to 71,>

**Long title**

**Alex Fergusson**

- 99 In the long title, page 1, line 6, leave out from first <to> to <forests;> in line 7

**Richard Lochhead**

- 270 In the long title, page 1, line 9, leave out <a new form> and insert <new forms>

**Richard Lochhead**

- 271 In the long title, page 1, line 14, after <tenants,> insert <to provide for certain holdings to be relinquished where landlords agree or assigned to persons new to or progressing in farming,>

**Richard Lochhead**

- 301 In the long title, page 1, line 14, leave out <2> and insert <3>



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