



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 2

TENANT'S RIGHT TO BUY LAND

Registration of interest and the right to buy

28 Right to buy

- (1) Where a tenant's interest in acquiring land is for the time being registered under section 25 and—
- (a) the owner of the land or a creditor in a standard security with a right to sell the land, gives notice to the tenant under section 26 of a proposal to transfer the land or any part of it; or
 - (b) the owner or the creditor takes any action with a view to the transfer of the land or any part of it and—
 - (i) the transfer is a transfer in respect of which notice to the tenant is required under section 26; and
 - (ii) such notice has not been given,the tenant has the right to buy the land to which the transfer relates (including any interest or rights comprised in the land) from the owner or, as the case may be, the creditor.
- (2) Where—
- (a) a tenant has a right to buy land under subsection (1); and
 - (b) despite the existence of that right, the owner, or as the case may be, the creditor transfers the land to a person other than the tenant,
- the tenant has the right to buy the land (including any interests or rights comprised in the land) from the person to whom the land is transferred or is subsequently transferred.
- (3) For the purposes of subsection (1)(b), action is taken with a view to a transfer of land when—

Changes to legislation: *Agricultural Holdings (Scotland) Act 2003, Section 28 is up to date with all changes known to be in force on or before 04 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the land is, by or with the authority of the owner of the land or a creditor in a standard security with a right to sell the land, advertised or otherwise exposed for sale;
 - (b) the owner or the creditor, or a person acting on behalf of the owner or the creditor, enters into negotiations with another person with a view to the transfer of the land; or
 - (c) the owner or the creditor, or a person acting on behalf of the owner or the creditor, proceeds further with any proposed transfer of the land which was initiated prior to the date on which the notice of interest was registered.
- (4) References in subsection (3) to the owner of land include references to the person in whom it has vested for the purposes of any such enactment as is mentioned in section 27(1)(g)(ix).
- (5) The Scottish Ministers may by order modify (either or both) subsections (3) and (4).

Commencement Information

- I1** S. 28(1)-(4) in force at 15.12.2004 by [S.S.I. 2004/511](#), [art. 2](#)
- I2** S. 28(5) in force at 27.11.2003 by [S.S.I. 2003/548](#), [art. 2\(b\)\(iv\)](#) (with [Sch.](#))

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Changes and effects yet to be applied to :

- s. 28(1) words repealed by [2016 asp 18 s. 99\(6\)\(a\)\(i\)](#)
- s. 28(1)(a) words substituted by [2016 asp 18 s. 99\(6\)\(a\)\(ii\)](#)
- s. 28(3)(a) word inserted by [2016 asp 18 s. 99\(6\)\(b\)\(i\)](#)
- s. 28(3)(c) and word repealed by [2016 asp 18 s. 99\(6\)\(b\)\(ii\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7C inserted by [2016 asp 18 s. 93\(2\)](#)
- s. 7D inserted by [2016 asp 18 s. 106\(2\)](#)
- s. 8F8G inserted by [2016 asp 18 s. 94\(2\)](#)
- s. 16B inserted by [2016 asp 18 s. 95\(2\)](#)
- s. 17A inserted by [2016 asp 18 s. 96\(2\)](#)
- s. 18B inserted by [2016 asp 18 s. 97\(2\)](#)
- s. 26(1)(1A) substituted for s. 26(1) by [2016 asp 18 s. 99\(4\)\(a\)](#)
- s. 26(3) inserted by [2016 asp 18 s. 99\(4\)\(c\)](#)