



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 2

TENANT'S RIGHT TO BUY LAND

Registration of interest and the right to buy

27 Transfers not requiring notice

- (1) Notice is not required under section 26 where the transfer is or, as the case may be, would be—
- (a) otherwise than for value;
 - (b) in implement or pursuance of an order of a court (other than an order under section 24 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35) or a decree in an action for the division and sale of land);
 - (c) between spouses in pursuance of an arrangement between them entered into at any time after they have ceased living together;
 - (d) of croft land to the crofter tenancing it;
 - (e) between companies in the same group;
 - (f) to a statutory undertaker for the purpose of carrying on the undertaking;
 - (g) a transfer—
 - (i) implementing the compulsory acquisition of land under any enactment;
 - (ii) by agreement, of land which could have been acquired compulsorily under any enactment;
 - (iii) implementing any right conferred by Part 2 (which provides for the community right to buy) of the Land Reform (Scotland) Act 2003 (asp 2) to buy land;
 - (iv) implementing any right conferred by Part 3 (which provides for the crofting community right to buy) of that Act to buy eligible land within the meaning of that Part of that Act;
 - (v) implementing missives for the sale and purchase of land concluded, or an option to acquire land which existed on a date on which no notice of interest in acquiring the land was registered under section 25;

Changes to legislation: Agricultural Holdings (Scotland) Act 2003, Section 27 is up to date with all changes known to be in force on or before 14 March 2024. 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

- ^{F1}(vi)
- (vii) which requires, or which but for the provisions of section 14 of that Act would require, the consent of the Scottish Ministers under subsection (5) or (7) of section 12 of that Act;
- [^{F2}(viii) by a registered social landlord (within the meaning of the Housing (Scotland) Act 2010 (asp 17)) in pursuance of the power conferred by section 107 of that Act;]
- (ix) vesting the land in a person for the purposes of any enactment relating to sequestration, bankruptcy, winding up or incapacity or to the purposes for which judicial factors may be appointed; or
- (h) a transfer of land in consequence of—
- (i) the assumption or resignation or death of one or more of the partners in a partnership; or
- (ii) the assumption or resignation or death of one or more of the trustees of a trust.
- (2) In the case of a transfer mentioned in any of paragraphs (a), (e) and (h) of subsection (1), if the transfer—
- (a) is or forms part of a scheme or arrangement or is one of a series of transfers; and
- (b) the main purpose or effect, or one of the main purposes or effects, of the scheme, arrangement or, as the case may be, series is the avoidance of the requirements or consequences of this Part,
- the transfer is, for the purposes of section 28, deemed to be a transfer in respect of which notice is required under section 26.
- (3) For the purposes of subsection (1)(e), companies are in the same group if they are, or are included in a number of, companies which, by virtue of section 170 of the Taxation of Chargeable Gains Act 1992 (c. 12), together form a group for the purposes of sections 171 to 181 of that Act.
- (4) In subsection (1)(f), “statutory undertaker” is to be construed in accordance with section 214 of the Town and Country Planning (Scotland) Act 1997 (c. 8).
- (5) The Scottish Ministers may by order modify (any or all) subsections (1) to (4).

Textual Amendments

- F1** S. 27(1)(g)(vi) repealed (1.8.2016) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 2 para. 15](#); S.S.I. 2014/264, art. 2, sch. (with art. 4)
- F2** S. 27(1)(g)(viii) substituted (1.4.2012) by [The Housing \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2012 \(S.S.I. 2012/38\)](#), art. 1, [Sch. para. 4](#)

Commencement Information

- I1** S. 27(1)-(4) in force at 15.12.2004 by [S.S.I. 2004/511](#), [art. 2](#)
- I2** S. 27(5) in force at 27.11.2003 by [S.S.I. 2003/548](#), [art. 2\(b\)\(iii\)](#) (with Sch.)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 27(1)(g)(v) repealed by [2016 asp 18 s. 99\(5\)](#)

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\(4\)\(c\)](#)