



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART III

NOTICE TO QUIT AND NOTICE OF INTENTION TO QUIT

21 Notice to quit and notice of intention to quit

- (1) Subject to section 20 of this Act and to subsections (6) and (7) below a tenancy of an agricultural holding shall not come to an end except by operation of a notice which complies with this subsection notwithstanding any agreement or any provision in the lease to the contrary.
- (2) In this Act, a notice which complies with subsection (1) above is referred to as a “notice to quit” if it is given by the landlord to the tenant and as a “notice of intention to quit” if it is given by the tenant to the landlord.
- (3) A notice complies with subsection (1) above if—
 - (a) it is in writing;
 - (b) it is a notice of intention to bring the tenancy to an end;
 - (c) where the notice is to take effect at the termination of the stipulated endurance of the lease, it is given not less than one year nor more than 2 years before that date;
 - (d) in the case of a lease continued in force by tacit relocation, it gives not less than one year nor more than 2 years' notice.
- (4) The provisions of the Sheriff Courts (Scotland) Act 1907 relating to removings shall, in the case of an agricultural holding, have effect subject to this section.
- (5) Notice to quit shall be given either—
 - (a) in the same manner as notice of removal under section 6 of the Removal Terms (Scotland) Act 1886; or
 - (b) in the form and manner prescribed by the Sheriff Courts (Scotland) Act 1907, and such notice shall come in place of the notice required by the said Act of 1907.

Status: This is the original version (as it was originally enacted).

- (6) Nothing in this section shall affect the right of the landlord of an agricultural holding to remove a tenant whose estate has been sequestrated under the Bankruptcy (Scotland) Act 1985 or the Bankruptcy (Scotland) Act 1913, or who by failure to pay rent or otherwise has incurred irritancy of his lease or other liability to be removed.
- (7) This section shall not apply—
- (a) to a notice given in pursuance of a stipulation in a lease entitling the landlord to resume land for building, planting, feuing or other purposes (not being agricultural purposes); or
 - (b) in relation to subjects let under a lease for any period less than a year, not being a lease which by virtue of section 2 of this Act takes effect as a lease from year to year.