



# Agricultural Holdings (Scotland) Act 1991

## 1991 CHAPTER 55

### PART II

#### TERMS OF LEASES AND VARIATIONS THEREOF

#### **7 Freedom of cropping and disposal of produce.**

- (1) Subject to subsections (2) and (5) below, the tenant of an agricultural holding shall, notwithstanding any custom of the country or the provisions of any lease or of any agreement respecting the disposal of crops or the method of cropping of arable lands, have full right, without incurring any penalty, forfeiture or liability,—
  - (a) to dispose of the produce of the holding, other than manure produced thereon;
  - (b) to practise any system of cropping of the arable land on the holding.
- (2) Subsection (1) above shall not have effect unless, before exercising his rights thereunder or as soon as is practicable after exercising them, the tenant makes suitable and adequate provision—
  - (a) in the case of an exercise of the right to dispose of crops, to return to the holding the full equivalent manorial value to the holding of all crops sold off or removed from the holding in contravention of any such custom, lease or agreement; and
  - (b) in the case of an exercise of the right to practise any system of cropping, to protect the holding from injury or deterioration.
- (3) If the tenant of an agricultural holding exercises his rights under subsection (1) above so as to injure or deteriorate, or to be likely to injure or deteriorate, the holding, the landlord shall have the following remedies<sup>F1</sup>...—
  - (a) should the case so require, he shall be entitled to obtain an interdict restraining the exercise of the tenant's rights under that subsection in that manner;
  - (b) in any case, on the tenant quitting the holding on the termination of the tenancy the landlord shall be entitled to recover damages for any injury to or deterioration of the holding attributable to the exercise by the tenant of his rights under that subsection.

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*Changes to legislation: There are currently no known outstanding effects for the  
 Agricultural Holdings (Scotland) Act 1991, Section 7. (See end of Document for details)*

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[<sup>F2</sup>(3A) Such interdict as is, or damages as are, mentioned in subsection (3) above shall be obtainable only in the Land Court; and, notwithstanding the terms of section 84 of the Agricultural Holdings (Scotland) Act 2003 (asp 11), no other remedy shall be available in respect of the circumstances mentioned in that subsection.]

[<sup>F3</sup>(4) For the purposes of any proceedings for an interdict brought under paragraph (a) of subsection (3) above, where the question whether the tenant is exercising or has exercised his rights under subsection (1) above in such a manner as is referred to in subsection (3) above has, by virtue of section 61(1) of this Act, been determined by arbitration, a certificate of the arbiter as to his determination of the question shall, for the purposes of any proceedings brought under this section, be conclusive proof of the facts stated in the certificate.]

(5) Subsection (1) above shall not apply—

- (a) in the case of a tenancy from year to year, as respects the year before the tenant quits the holding or any period after he has received notice to quit or given notice of intention to quit which results in his quitting the holding; or
  - (b) in any other case, as respects the year before the expiry of the lease.
- (6) (a) In this section “arable land” does not include land in grass which, by the terms of a lease, is to be retained in the same condition throughout the tenancy;
- (b) the reference in paragraph (a) above to the terms of a lease shall, where the Secretary of State has directed under section 9 of the 1949 Act or an arbiter has directed under that section or [<sup>F4</sup>it has been determined] under section 9 of this Act that the lease shall have effect subject to modifications, be construed as a reference to the terms of the lease as so modified.

#### Textual Amendments

- F1** Words in s. 7(3) repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 62(a), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)
- F2** S. 7(3A) inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 62(b), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)
- F3** S. 7(4) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 62(c), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)
- F4** Words in s. 7(6)(b) inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 62(d), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)

#### Modifications etc. (not altering text)

- C1** S. 7 applied (with modifications) (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 14, 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(a) (with Sch.)

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 7.