

SCHEDULE 1

SUMMARY CAUSE RULES 2002

CHAPTER 30

Recovery of possession of heritable property

Action of removing where fixed term of removal

30.5.—(1) Subject to section 21 of the Agricultural Holdings (Scotland) Act 1991⁽¹⁾—

- (a) if the tenant has bound himself to remove by writing, dated and signed—
 - (i) within 12 months after the term of removal; or
 - (ii) where there is more than one ish, after the ish first in date to remove, an action of removing may be raised at any time; and
- (b) if the tenant has not bound himself, an action of removing may be raised at any time, but—
 - (i) in the case of a lease of lands exceeding two acres in extent for three years and upwards, an interval of not less than one year nor more than two years must elapse between the date of notice of removal and the term of removal first in date;
 - (ii) in the case of a lease of lands exceeding two acres in extent, whether written or oral, held from year to year or under tacit relocation, or for any other period less than three years, an interval of not less than six months must elapse between the date of notice of removal and the term of removal first in date; and
 - (iii) in the case of a house let with or without land attached not exceeding two acres in extent, as also of land not exceeding two acres in extent without houses, as also of mills, fishings, shootings, and all other heritable subjects excepting land exceeding two acres in extent and let for a year or more, 40 days at least must elapse between the date of notice of removal and the term of removal first in date.

(2) In any defended action of removing, the sheriff may order the defender to find caution for violent profits.

⁽¹⁾ 1991 c. 55.