



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

[^{F1}PART 3A

RELINQUISHING AND ASSIGNATION OF HOLDINGS

[^{F1}CHAPTER 2

ASSIGNATION WHERE LANDLORD DOES NOT ACCEPT TENANT'S OFFER

Textual Amendments

- F1** Pt. 3A inserted (23.12.2016 for specified purposes, 28.2.2021 in so far as not already in force) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), ss. **110(2)**, 130(1) (with s. 128); S.S.I. 2016/365, reg. 2; S.S.I. 2020/428, reg. 2

32U Assignation where landlord does not accept notice of intention to relinquish

- (1) This section applies where the tenant serves notice of intention to relinquish and the landlord—
- (a) serves notice of declinature,
 - (b) fails to serve notice of acceptance before the expiry of the period of 28 days mentioned in section 32Q(4), or
 - (c) serves notice of acceptance but—
 - (i) serves notice of withdrawal before the expiry of the period of 6 months mentioned in section 32Q(5), or
 - (ii) fails to pay the amount of compensation required before the expiry of that period in accordance with section 32Q(2)(b).
- (2) The tenant may, before the expiry of the period of 1 year beginning with the date mentioned in subsection (3), assign the lease of the holding to an individual who is a new entrant to, or who is progressing in, farming.

*Changes to legislation: There are currently no known outstanding effects for the
Agricultural Holdings (Scotland) Act 1991, CHAPTER 2. (See end of Document for details)*

(3) That date is—

- (a) the date notice of declinature is served,
- (b) where the landlord fails to serve notice of acceptance before the expiry of the period of 28 days mentioned in section 32Q(4), the date falling at the end of that period,
- (c) the date notice of withdrawal is served, or
- (d) where the landlord fails to pay the amount of compensation required before the expiry of the period of 6 months mentioned in section 32Q(5), the date falling at the end of that period.

32V Application of section 10A to assignation under this Part

Section 10A has effect in relation to an assignation by virtue of section 32U(2)—

- (a) as if subsections (1), (1A) and (6) were omitted,
- (b) as if, for subsections (3), (3A) and (3B) there were substituted—

“(3) The landlord may withhold consent to the proposed assignation if—

- (a) the proposed assignee is not an individual who is a new entrant to farming or who is progressing in farming, or
- (b) there are reasonable grounds for doing so.

(3A) In subsection (3)(b), reasonable grounds include, in particular, that the landlord is not satisfied that the proposed assignee—

- (a) would have the ability to pay—
 - (i) the rent due under the lease, or
 - (ii) for adequate maintenance of the land, or
- (b) has the skills or experience that would be required properly to manage and maintain the land in accordance with the rules of good husbandry.

(3B) The ground of objection in subsection (3A)(b) does not apply where the proposed assignee is a new entrant to farming and—

- (a) is engaged in or will begin, before the expiry of the period of 6 months beginning with the date of the notice under subsection (2), a course of relevant training in agriculture which the person is expected to complete satisfactorily within 4 years from that date, and
- (b) has made arrangements to secure that the holding is farmed with reasonable efficiency until the person completes that course.”.]

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, CHAPTER 2.