



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART IX

SUPPLEMENTARY

Crown and Secretary of State

79 Application to Crown land.

(1) This Act shall apply to land belonging to Her Majesty in right of the Crown, with such modifications as may be prescribed; and for the purposes of this Act the Crown Estate Commissioners or other proper officer or body having charge of the land for the time being, or if there is no such officer or body, such person as Her Majesty may appoint in writing under the Royal Sign Manual, shall represent Her Majesty and shall be deemed to be the landlord.

[^{F1}(1A) In subsection (1), “proper officer of body” includes a person who manages any land to which section 90B(5) of the Scotland Act 1998 applies.]

(2) This Act shall apply to land notwithstanding that the interest of the landlord or the tenant thereof belongs to a government department or is held on behalf of Her Majesty for the purposes of any government department with such modifications as may be prescribed.

Textual Amendments

F1 [S. 79\(1A\)](#) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 24](#)

80 Determination of matters where Secretary of State is landlord or tenant.

(1) This section applies where the Secretary of State is the landlord or the tenant of an agricultural holding.

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Cross Heading: Crown and Secretary of State. (See end of Document for details)

- (2) Where this section applies, any provision of this Act [^{F2}(except section 8)]—
- (a) under which any matter relating to the holding is referred to the decision of the Secretary of State,^{F3} ...
 - ^{F3}(b)
- shall have effect with the substitution for every reference to “the Secretary of State” of a reference to “ the Land Court ”, and any provision referred to in paragraph (a) above which provides for an appeal to an arbiter from the decision of the Secretary of State shall not apply.

- [^{F4}(3) Where this section applies, section 8 of this Act shall have effect—
- (a) with the substitution for “Scottish Ministers” in subsection (3) of “sheriff”;
 - (b) as if subsection (3A) were omitted.]

Textual Amendments

- F2** Words in s. 80(2) inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 61(2)(a), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)
- F3** S. 80(2)(b) and preceding word repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), **Sch. para. 41** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F4** S. 80(3) inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 61(2)(b), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)

81 Expenses and receipts.

- (1) All expenses incurred by the Secretary of State under this Act shall be paid out of moneys provided by Parliament.
- (2) All sums received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

82 Powers of entry and inspection.

- (1) Any person authorised by the Secretary of State in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred on the Secretary of State by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.
- (2) Any person authorised by the Secretary of State who proposes to exercise any power of entry or inspection conferred by this Act shall, if so required, produce some duly authenticated document showing his authority to exercise the power.
- (3) Admission to any land used for residential purposes shall not be demanded as of right in the exercise of any such power unless 24 hours notice of the intended entry has been given to the occupier of the land.
- (4) Save as provided by subsection (3) above, admission to any land shall not be demanded as of right in the exercise of any such power unless notice has been given to the occupier of the land that it is proposed to enter during a period, specified in the notice, not exceeding 14 days and beginning at least 24 hours after the giving of the notice and the entry is made on the land during the period specified in the notice.

Changes to legislation: *There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Cross Heading: Crown and Secretary of State. (See end of Document for details)*

- (5) Any person who obstructs a person authorised by the Secretary of State exercising any such power shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Cross Heading: Crown and Secretary of State.