



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART II

TERMS OF LEASES AND VARIATIONS THEREOF

12 Right of landlord to object to acquirer of lease.

- (1) A person to whom the lease of an agricultural holding is transferred under section 16 of the Succession (Scotland) Act 1964 (referred to in this section as “the acquirer”) shall give notice of the acquisition to the landlord of the holding within 21 days after the date of the acquisition, or, if he is prevented by some unavoidable cause from giving such notice within that period, as soon as is practicable thereafter and, unless the landlord gives a counter-notice under subsection (2) below, the lease shall be binding on the landlord and on the acquirer, as landlord and tenant respectively, as from the date of the acquisition.
- (2) Within one month after receipt of a notice given under subsection (1) above the landlord may give a counter-notice to the acquirer intimating that the landlord objects to receive him as tenant under the lease; and not before the expiry of one month from the giving of the counter-notice the landlord may make application to the Land Court for an order terminating the lease.
- (3) On an application under subsection (2) above, the Land Court shall, if they are satisfied that the landlord has established a reasonable ground of objection, make an order terminating the lease, to take effect as from such term of Whitsunday or Martinmas as they may specify.
- (4) Pending any proceedings under this section, the acquirer, with the consent of the executor in whom the lease is vested under section 14 of the ^{M1}Succession (Scotland) Act 1964 shall, unless the Land Court on cause shown otherwise direct, have possession of the holding.
- (5) Termination of the lease under this section shall be treated, for the purposes of Parts IV and V of this Act (compensation), as termination of the acquirer’s tenancy of the holding; but nothing in this section shall entitle him to compensation for disturbance.

Status: Point in time view as at 27/11/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 12. (See end of Document for details)

Modifications etc. (not altering text)

C1 S. 12(2)-(4) applied (with modifications) (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 22(2)**, 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(a) (with Sch.)

Marginal Citations

M1 1964 c. 41.

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