



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART II

TERMS OF LEASES AND VARIATIONS THEREOF

[^{F1}12C Landlord's objection to legatee or acquirer on intestacy: supplementary provision

- (1) Pending any proceedings under section 12A or 12B, the legatee or acquirer is to have possession of the holding provided the executor in whom the lease is vested under section 14 of the Succession (Scotland) Act 1964 consents.
- (2) Subsection (1) does not apply where the Land Court, on the application of the landlord and on cause shown, directs otherwise.
- (3) In the case of a legatee, if the bequest is declared null and void—
 - (a) under section 12A(6)(a),
 - (b) by virtue of a counter-notice under section 12B(2), no appeal to the Land Court having been made under section 12B(3), or
 - (c) by virtue of the Land Court confirming such a counter-notice on such an appeal,the right to the lease is to be treated as intestate estate of the deceased tenant in accordance with Part 1 of the Succession (Scotland) Act 1964.
- (4) In the case of an acquirer, if the lease is terminated—
 - (a) under section 12A(6)(b),
 - (b) by virtue of a counter-notice under section 12B(2), no appeal to the Land Court having been made under section 12B(3), or
 - (c) by virtue of the Land Court confirming such a counter-notice on such an appeal,that termination is to be treated, for the purposes of Parts 4 and 5 of this Act (compensation), as termination of the acquirer's tenancy of the holding.
- (5) But nothing in this section is to entitle the acquirer to compensation for disturbance.]

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

Textual Amendments

- F1** Ss. 12A-12C inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 109(4)**, 130(1) (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8)

Modifications etc. (not altering text)

- C1** S. 12C(1)(2) applied (with modifications) by 2003 asp 11, s. 21(2) (as substituted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), **sch. 2 para. 16(2)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8))
- C2** S. 12C(1)(2) applied (with modifications) by 2003 asp 11, s. 22(2) (as substituted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), **sch. 2 para. 16(3)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8))
- C3** S. 12C(5) applied (with modifications) by 2003 asp 11, s. 22(2) (as substituted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), **sch. 2 para. 16(3)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8))

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