



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART III

NOTICE TO QUIT AND NOTICE OF INTENTION TO QUIT

21 Notice to quit and notice of intention to quit.

- (1) Subject to section 20 [^{F1}and Part 3A] of this Act and to subsections (6) and (7) below [^{F2}and to sections [^{F3}2A] and 73 of the Agricultural Holdings (Scotland) Act 2003 (asp 11)] a tenancy of an agricultural holding shall not come to an end except by operation of a notice which complies with this subsection notwithstanding any agreement or any provision in the lease to the contrary.
- (2) In this Act, a notice which complies with subsection (1) above is referred to as a “notice to quit” if it is given by the landlord to the tenant and as a “notice of intention to quit” if it is given by the tenant to the landlord.
- (3) A notice complies with subsection (1) above if—
 - (a) it is in writing;
 - (b) it is a notice of intention to bring the tenancy to an end;
 - (c) where the notice is to take effect at the termination of the stipulated endurance of the lease, it is given not less than one year nor more than 2 years before that date;
 - (d) in the case of a lease continued in force by tacit relocation, it gives not less than one year nor more than 2 years’ notice.
- (4) The provisions of the ^{M1}Sheriff Courts (Scotland) Act 1907 relating to removings shall, in the case of an agricultural holding, have effect subject to this section.
- (5) Notice to quit shall be given either—
 - (a) in the same manner as notice of removal under section 6 of the ^{M2}Removal Terms (Scotland) Act 1886; or
 - (b) in the form and manner prescribed by the ^{M3}Sheriff Courts (Scotland) Act 1907,

*Changes to legislation: There are currently no known outstanding effects for the
 Agricultural Holdings (Scotland) Act 1991, Section 21. (See end of Document for details)*

and such notice shall come in place of the notice required by the said Act of 1907.

- (6) Nothing in this section shall affect the right of the landlord of an agricultural holding to remove a tenant whose estate has been sequestrated under the ^{F4}Bankruptcy (Scotland) Act 2016, the ^{M4}Bankruptcy (Scotland) Act 1985 or the ^{M5}Bankruptcy (Scotland) Act 1913, or who by failure to pay rent or otherwise has incurred irritancy of his lease or other liability to be removed.
- (7) This section shall not apply—
- (a) to a notice given in pursuance of a stipulation in a lease entitling the landlord to resume land for building, planting, feuing or other purposes (not being agricultural purposes); or
 - (b) in relation to subjects let under a lease for any period less than a year, not being a lease which by virtue of section 2 of this Act takes effect as a lease from year to year.

Textual Amendments

- F1** Words in s. 21(1) inserted (28.2.2021) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 111(1), 130(1)** (with s. 128); S.S.I. 2020/428, reg. 2
- F2** Words in s. 21(1) inserted (27.11.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), s. 95(3)(4), **Sch. para. 20** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F3** Word in s. 21(1) substituted (30.11.2017) by Land Reform (Scotland) Act 2016 (asp 18), s. 130(1), **sch. 2 para. 3(2)** (with s. 128); S.S.I. 2017/299, reg. 2, sch.
- F4** Words in s. 21(6) inserted (30.11.2016) by Bankruptcy (Scotland) Act 2016 (asp 21), s. 237(2), **sch. 8 para. 12(2)** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

Modifications etc. (not altering text)

- C1** S. 21 excluded (27.11.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), **ss. 2(5), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(a) (with Sch.)
- C2** S. 21(1)-(3) excluded (1.7.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), **ss. 73(1), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/305, art. 2
- C3** S. 21(4)(6)(7) applied (1.7.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), **ss. 73(2), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/305, art. 2
- C4** S. 21(5) excluded (1.7.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), **ss. 73(1), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/305, art. 2

Marginal Citations

- M1** 1907 c. 51.
M2 1886 c. 50.
M3 1907 c. 51.
M4 1985 c. 66.
M5 1913 c. 20.

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 21.