



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART III

NOTICE TO QUIT AND NOTICE OF INTENTION TO QUIT

22 Restrictions on operation of notices to quit.

- (1) Where not later than one month from the giving of a notice to quit an agricultural holding (or, in a case where section 23(3) of this Act applies, within the extended period therein mentioned) the tenant serves on the landlord a counter-notice in writing requiring that this subsection shall apply to the notice to quit, subject to subsection (2) below ^{F1}..., the notice to quit shall not have effect unless the Land Court consent to the operation thereof.
- (2) Subsection (1) above shall not apply where—
 - (a) the notice to quit relates to land being permanent pasture which the landlord has been in the habit of letting annually for seasonal grazing or of keeping in his own occupation and which has been let to the tenant for a definite and limited period for cultivation as arable land on the condition that he shall, along with the last or waygoing crop, sow permanent grass seeds;
 - (b) the notice to quit is given on the ground that the land is required for use, other than agriculture, for which permission [^{F2}requires to be obtained, and has been obtained, under the enactments relating to town and country planning];
 - (c) the Land Court, on an application in that behalf made not more than 9 months before the giving of the notice to quit, were satisfied that the tenant was not fulfilling his responsibilities to farm the holding in accordance with the rules of good husbandry, and certified that they were so satisfied;
 - (d) at the date of the giving of the notice to quit the tenant had failed to comply with a demand in writing served on him by the landlord requiring him within 2 months from the service thereof to pay any rent due in respect of the holding, or within a reasonable time to remedy any breach by the tenant, which was capable of being remedied, of any term or condition of his tenancy which was not inconsistent with the fulfilment of his responsibilities to farm in accordance with the rules of good husbandry;

*Changes to legislation: There are currently no known outstanding effects for the
 Agricultural Holdings (Scotland) Act 1991, Section 22. (See end of Document for details)*

- (e) at the date of the giving of the notice to quit the interest of the landlord in the holding had been materially prejudiced by a breach by the tenant, which was not capable of being remedied in reasonable time and at economic cost, of any term or condition of the tenancy which was not inconsistent with the fulfilment by the tenant of his responsibilities to farm in accordance with the rules of good husbandry;
- (f) at the date of the giving of the notice to quit the tenant's apparent insolvency had been constituted in accordance with section [F3]16 of the Bankruptcy (Scotland) Act 2016];

F4(g)

and, where any of paragraphs (a) to (f) above applies, the ground under the appropriate paragraph on which the notice to quit proceeds is stated in the notice.

Textual Amendments

- F1** Words in s. 22(1) repealed (23.12.2016) by Land Reform (Scotland) Act 2016 (asp 18), s. 130(1), **sch. 2 para. 15(2)(a)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8)
- F2** Words in s. 22(2)(b) substituted (27.11.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), **ss. 67(1), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)
- F3** Words in s. 22(2)(f) substituted (30.11.2016) by Bankruptcy (Scotland) Act 2016 (asp 21), s. 237(2), **sch. 8 para. 12(3)** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2
- F4** Words in s. 22(2)(g) repealed (23.12.2016) by Land Reform (Scotland) Act 2016 (asp 18), s. 130(1), **sch. 2 para. 15(2)(b)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8)

Modifications etc. (not altering text)

- C1** Ss. 22-24 modified by 2003 asp 11, s. 38N(2)-(6) (as inserted (23.12.2016 for specified purposes) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 100(2), 130(1)** (with s. 128); S.S.I. 2016/365, reg. 2, sch.)

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 22.