



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART III

NOTICE TO QUIT AND NOTICE OF INTENTION TO QUIT

24 Consents for purposes of section 22.

- (1) Subject to subsection (2) below ^{F1}..., the Land Court shall consent under section 22 of this Act to the operation of a notice to quit an agricultural holding or part of an agricultural holding if, but only if, they are satisfied as to one or more of the following matters, being a matter or matters specified by the landlord in his application for their consent—
- (a) that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable in the interests of good husbandry as respects the land to which the notice relates, treated as a separate unit;
 - (b) that the carrying out thereof is desirable in the interests of sound management of the estate of which that land consists or forms part;
 - (c) that the carrying out thereof is desirable for the purposes of agricultural research, education, experiment or demonstration, or for the purposes of the enactments relating to allotments, smallholdings or such holdings as are referred to in section 64 of the ^{M1}Agriculture (Scotland) Act 1948;
 - (d) that greater hardship would be caused by withholding than by giving consent to the operation of the notice;
 - (e) that the landlord proposes to terminate the tenancy for the purpose of the land being used for a use, other than for agriculture, not falling within section 22(2) (b) of this Act.
- (2) Notwithstanding that they are satisfied as aforesaid, the Land Court shall withhold consent to the operation of the notice to quit if in all the circumstances it appears to them that
- ^{F2}(a) a fair and reasonable landlord would not insist on possession^{F3}; or
 - (b) where the notice is to quit the whole of the holding, that use of the land for the purpose for which the landlord proposes to terminate the tenancy would

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not create greater economic and social benefits to the community than would exist were the tenancy not terminated.]

- (3) Where the Land Court consent to the operation of a notice to quit they may^{F4} ... impose such conditions as appear to them requisite for securing that the land to which the notice relates will be used for the purpose for which the landlord proposes to terminate the tenancy.
- (4) Where, on an application by the landlord in that behalf the Land Court are satisfied that by reason of any change of circumstances or otherwise any condition imposed under subsection (3) above ought to be varied or revoked, they shall vary or revoke the condition accordingly.
- [^{F5}(5) For the purposes of subsection (2)(b) above—
- (a) “ the community ”—
 - (i) shall be defined by reference to the postcode unit (or postcode units) pertaining to the holding and the vicinity of the holding; and
 - (ii) comprises the persons from time to time resident in that postcode unit (or any of those postcode units);
 - (b) “ economic benefits ” shall be defined by reference to an increase, or the potential for increase, in employment or income;
 - (c) “ social benefits ” shall be defined by reference to the likely—
 - (i) sustaining of, or increase in, the population; and
 - (ii) improvement of amenities and services.
- (6) In subsection (5)(a) above, “ postcode unit ” means an area, determined by the Registrar General for Scotland, in relation to which a single postcode is used to facilitate the identification of postal service delivery points in the area.
- (7) The Land Court shall, for the purposes of its determining the matters referred to in subsection (2)(b) above, have regard to such representations as it considers may assist in its consideration of those matters.]

Textual Amendments

- F1** Words in s. 24(1) repealed (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 15\(3\)\(a\)](#) (with s. 128); S.S.I. 2016/365, reg. 2, [sch.](#) (with regs. 5-8)
- F2** Words in s. 24(2) renumbered as s. 24(2)(a) (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), [ss. 67\(2\)\(a\)\(i\)](#), 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)
- F3** S. 24(2)(b) and preceding word added (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), [ss. 67\(2\)\(a\)\(ii\)](#), 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)
- F4** Words in s. 24(3) repealed (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 15\(3\)\(b\)](#) (with s. 128); S.S.I. 2016/365, reg. 2, [sch.](#) (with regs. 5-8)
- F5** S. 24(5)-(7) added (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), [ss. 67\(2\)\(b\)](#), 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)

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
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Marginal Citations

M1 1948 c. 45.

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