



# Agricultural Holdings (Scotland) Act 1991

## 1991 CHAPTER 55

### PART III

#### NOTICE TO QUIT AND NOTICE OF INTENTION TO QUIT

#### **32 Further restrictions on operation of certain notices to quit.**

- (1) Subsections (2) to (5) below shall apply where—
  - (a) notice to quit an agricultural holding or part of an agricultural holding is given to a tenant; and
  - (b) the notice includes a statement in accordance with section 22(2) of this Act and paragraph (d) thereof to the effect that it is given by reason of the tenant's failure to remedy a breach of a kind referred to in section 66(1) of this Act.
- (2) If not later than one month from the giving of the notice to quit 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 (3) below, the notice to quit shall not have effect (whether as a notice to which section 22(1) of this Act does or does not apply) unless the Land Court consent to the operation thereof.
- (3) A counter-notice under subsection (2) above shall be of no effect if within one month after the giving of the notice to quit the tenant serves on the landlord an effective notice under section 23(2) of this Act requiring the validity of the reason stated in the notice to quit to be determined by [<sup>F1</sup>the Land Court].
- (4) Where—
  - (a) the tenant has served on the landlord a notice of the kind referred to in subsection (3) above;
  - (b) the notice to quit would, apart from this subsection, have effect in consequence of the [<sup>F2</sup>Land Court's determination]; and
  - (c) not later than one month from the date on which the [<sup>F3</sup>Land Court's determination] is delivered to the tenant the tenant serves on the landlord a counter-notice in writing requiring that this subsection shall apply to the notice to quit;

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*Changes to legislation: There are currently no known outstanding effects for the  
 Agricultural Holdings (Scotland) Act 1991, Section 32. (See end of Document for details)*

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the notice to quit shall not have effect (whether as a notice to which section 22(1) of this Act does or does not apply) unless the Land Court consent to the operation thereof.

- (5) On an application made in that behalf by the landlord, the Land Court shall consent under subsection (2) or (4) above or (6) below to the operation of the notice to quit unless in all the circumstances it appears to them that a fair and reasonable landlord would not insist on possession.
- (6) Where a notice to quit is given in accordance with section 66(3) of this Act in a case where the [<sup>F4</sup>Land Court's determination] under that section followed an earlier notice to quit to which subsection (1) above applied, if the tenant serves on the landlord a counter-notice in writing within one month after the giving of the subsequent notice to quit (or, if the date specified in that notice for the termination of the tenancy is earlier, before that date), the notice to quit given under section 66(3) of this Act shall not have effect unless the Land Court consent to the operation thereof.

#### **Textual Amendments**

- F1** Word in s. 32(3) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 23\(a\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F2** Word in s. 32(4)(b) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 23\(b\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F3** Words in s. 32(4)(c) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 23\(b\)\(ii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F4** Word in s. 32(6) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 23\(c\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 32.