



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

[^{F1}PART 3A

RELINQUISHING AND ASSIGNATION OF HOLDINGS

CHAPTER 1

TENANT'S OFFER TO RELINQUISH HOLDING

Application of Part and key terms

[^{F1}32E Restrictions on serving notice of intention to relinquish

- (1) A tenant may not serve a notice of intention to relinquish if, at the date of service, any of subsections (2) to (7) apply.
- (2) This subsection applies where the tenant has served notice of intention to quit.
- (3) This subsection applies where the tenant has failed to comply with a written demand, served on the tenant by the landlord, requiring the tenant—
 - (a) to pay rent due in respect of the holding within 2 months from the date of service of the demand, or
 - (b) to remedy a relevant breach within a reasonable time.
- (4) In subsection (3)(b), a “relevant breach” is a breach by the tenant of a condition of the tenancy which—
 - (a) is capable of being remedied, and
 - (b) is not inconsistent with the fulfilment of the tenant's responsibilities to farm in accordance with the rules of good husbandry.
- (5) This subsection applies where the landlord has served notice to quit to which section 22(2) applies.

Status: Point in time view as at 23/12/2016.

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

- (6) This subsection applies where the landlord has served notice to quit to which section 22(2) does not apply and—
- (a) the period mentioned in section 23(1) within which the landlord may apply to the Land Court for consent to the operation of the notice has not expired,
 - (b) the landlord has applied in accordance with that section and the Land Court has yet to reach a decision, or
 - (c) the Land Court has, on such an application, consented to the notice and—
 - (i) any period within which an appeal may be made against that decision has not expired,
 - (ii) such a period has expired without an appeal having been made, or
 - (iii) an appeal having been made, the decision of the Land Court to consent to the notice has been upheld.
- (7) This subsection applies where, in relation to a notice to quit to which section 22(2) does not apply, the Land Court has, following an application under section 23(1), refused consent to its operation and—
- (a) any period within which an appeal may be made against that decision has not expired,
 - (b) an appeal has been made but not determined, or
 - (c) the decision of the Land Court to refuse consent to the notice has been quashed.]

Textual Amendments

- F1** Pt. 3A inserted (23.12.2016 for specified purposes, 28.2.2021 in so far as not already in force) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), ss. **110(2)**, 130(1) (with s. 128); S.S.I. 2016/365, reg. 2; S.S.I. 2020/428, reg. 2

Status:

Point in time view as at 23/12/2016.

Changes to legislation:

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