

LAND REFORM (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 10 – Agricultural Holdings

Chapter 3 – Tenant’s Right to Buy

Section 99 – Tenant’s right to buy: removal of requirement to register

470. Sections 24 to 28 of the 2003 Act require a tenant farmer with a 1991 Act tenancy (as defined in section 1(4) of the 2003 Act) to apply to the Keeper of the Registers of Scotland to register their interest in purchasing their holding in the Register of Community Interests in Land (“RCIL”) before the tenant can exercise the pre-emptive right to buy. The provisions in section 99 amend Part 2 of the 2003 Act to remove this requirement for 1991 Act tenants to pre-register in the RCIL..
471. Section 99(2) of the Act repeals sections 24 and 25 of the 2003 Act so that tenants will no longer be required to register their interest in purchasing the land comprised in their lease with the Keeper.
472. Subsection (4) amends section 26 of the 2003 Act so that the 1991 Act tenant is no longer required to register interest in order to receive notice from the owner or creditor of their intention to sell the land or part of it. It also removes the requirement on the owner or creditor to inform the Keeper of their intention to sell the land or part of it. A new subsection (3) is inserted after section 26(2) of the 2003 Act which defines “tenant” for the purpose of Part 2 of the 2003 Act as meaning multiple tenants where there are multiple tenants and as not including a sub-tenant. This definition was previously contained in section 25(2) of the 2003 Act, which is repealed by section 99(2) of the Act.
473. Subsection (6) amends section 28(1) and (3) of the 2003 Act by removing references to land being registered under section 25. As section 25 is being repealed, these references are no longer applicable.
474. Subsection (7) repeals section 29(7) of the 2003 Act, removing the requirement on the tenant farmer to send a copy of any notice of intention to exercise the right to buy given under section 31 to the Keeper.