



# Agricultural Holdings (Scotland) Act 1991

## 1991 CHAPTER 55

### PART II

#### TERMS OF LEASES AND VARIATIONS THEREOF

#### 11 Bequest of lease.

- (1) Subject to [<sup>F1</sup>subsections (2) and (3) and to sections 12A to 12C] , the tenant of an agricultural holding may, by will or other testamentary writing, bequeath his lease of the holding to [<sup>F2</sup>any one of the persons mentioned in subsection (1A) ] .

[<sup>F3</sup>(1A) The persons referred to in subsection (1) are—

- (a) any person who would be, or would in any circumstances have been, entitled to succeed to the tenant's estate on intestacy by virtue of the Succession (Scotland) Act 1964,
- (b) a spouse or civil partner of a child of the tenant,
- (c) a spouse or civil partner of a grandchild of the tenant,
- (d) a spouse or civil partner of a brother or sister of the tenant,
- (e) a brother or sister of the tenant's spouse or civil partner,
- (f) a spouse or civil partner of such a brother or sister,
- (g) a child (including a step-child) of such a brother or sister,
- (h) a grandchild (including a step-grandchild) of such a brother or sister,
- (i) a step-child of the tenant,
- (j) a spouse or civil partner of such a step-child,
- (k) a descendant of such a step-child,
- (l) a step-brother or step-sister of the tenant,
- (m) a spouse or civil partner of such a step-brother or step-sister,
- (n) a descendant of such a step-brother or step-sister.]

- (2) A person to whom the lease of a holding is so bequeathed (in this section [<sup>F4</sup>and in sections 12A to 12C] referred to as “the legatee”) shall, if he accepts the bequest, give notice of the bequest to the landlord of the holding within 21 days after the death of

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*Changes to legislation: There are currently no known outstanding effects for the  
Agricultural Holdings (Scotland) Act 1991, Section 11. (See end of Document for details)*

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the tenant, or, if he is prevented by some unavoidable cause from giving such notice within that period, as soon as practicable thereafter.

- (3) The giving of a notice under subsection (2) above shall import acceptance of the lease and, unless the landlord gives a counter-notice under [<sup>F5</sup>section 12A(2) or 12B(2)] , the lease shall be binding on the landlord and on the legatee, as landlord and tenant respectively, as from the date of the death of the deceased tenant.

<sup>F6</sup>(4) .....

<sup>F6</sup>(5) .....

<sup>F6</sup>(6) .....

<sup>F6</sup>(7) .....

- (8) If the legatee does not accept the bequest<sup>F7</sup>... the right to the lease shall be treated as intestate estate of the deceased tenant in accordance with Part I of the Succession (Scotland) Act 1964.

#### **Textual Amendments**

- F1** Words in s. 11(1) substituted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 109(2)(a), 130(1)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8)
- F2** Words in s. 11(1) substituted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 107(a), 130(1)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8)
- F3** S. 11(1A) inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 107(b), 130(1)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8)
- F4** Words in s. 11(2) inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 109(2)(b), 130(1)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8)
- F5** Words in s. 11(3) substituted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 109(2)(c), 130(1)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8)
- F6** S. 11(4)-(7) repealed (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 109(2)(d), 130(1)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8)
- F7** Words in s. 11(8) repealed (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 109(2)(e), 130(1)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8)

#### **Modifications etc. (not altering text)**

- C1** S. 11(2)-(7) applied (with modifications) (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), **ss. 21(2), 95(3), 95(4)** (with s. 95(2)); S.S.I. 2003/548, art. 2(a) (with Sch.)
- C2** S. 11(2)(3) applied (with modifications) by 2003 asp 11, s. 21(2) (as substituted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), **sch. 2 para. 16(2)** (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8))

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 11.