



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART II

TERMS OF LEASES AND VARIATIONS THEREOF

[^{F1}12A Landlord's objection to legatee or acquirer on intestacy: near relative

- (1) This section applies where the person who gives notice to the landlord under section 11(2) or 12(1) is a near relative of the deceased.
- (2) The landlord may, within 1 month after the notice is given under section 11(2) or 12(1), give to the person a counter-notice intimating that the landlord objects to receiving the person as tenant under the lease.
- (3) The only grounds on which the landlord can object to receiving the person as tenant under the lease are the following—
 - (a) that the person is not of good character,
 - (b) that the person does not have sufficient resources to enable the person to farm the holding with reasonable efficiency,
 - (c) subject to subsection (4), that the person has neither sufficient training in agriculture nor sufficient experience in the farming of land to enable the person to farm the holding with reasonable efficiency.
- (4) The ground of objection in subsection (3)(c) does not apply where the person—
 - (a) is engaged in or will begin, before the expiry of the period of 6 months beginning with the date of the notice under section 11(2) or 12(1), a course of relevant training in agriculture which the person is expected to complete satisfactorily within 4 years from that date, and
 - (b) has made arrangements to secure that the holding is farmed with reasonable efficiency until the person completes that course.
- (5) If the landlord gives a counter-notice under subsection (2), the landlord may, within 1 month after the counter-notice is given, apply to the Land Court for an order—
 - (a) in the case of a legatee, declaring the bequest to be null and void,

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 12A. (See end of Document for details)

- (b) in the case of an acquirer, terminating the lease.
- (6) If, on the hearing of such an application, any ground of objection stated by the landlord is established to the satisfaction of the Land Court, it must make an order—
 - (a) in the case of a legatee, declaring the bequest to be null and void,
 - (b) in the case of an acquirer, terminating the lease with effect as from such term of Whitsunday or Martinmas as the court specifies.
- (7) In any other case, the Land Court must make an order declaring the legatee or, as the case may be, the acquirer to be the tenant under the lease and the lease to be binding on the landlord and on the legatee or acquirer, as landlord and tenant respectively, as from the date of the death of the deceased tenant.
- (8) Where the landlord does not apply to the Land Court under subsection (5)—
 - (a) the counter-notice ceases to have effect on the expiry of the period of 1 month mentioned in that subsection, and
 - (b) the lease is to be binding on the landlord and on the legatee or acquirer, as landlord and tenant respectively, as from the date of the death of the deceased tenant.]

Textual Amendments

- F1** Ss. 12A-12C inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), **ss. 109(4)**, 130(1) (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8)

Modifications etc. (not altering text)

- C1** [S. 12B](#) 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))
- C2** [S. 12B](#) applied (with modifications) by 2003 asp 11, s. 22(2) (as substituted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), **sch. 2 para. 16(3)** (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 12A.