

AGRICULTURAL HOLDINGS (SCOTLAND) ACT 2003

EXPLANATORY NOTES

INTRODUCTION

Part 1: Agricultural Tenancies

Section 7: Assignment and subletting of limited duration tenancies

20. This section sets out a procedure which enables a tenant to assign an LDT. The tenant may assign the interest back to the landlord rather than terminate under section 8.
21. Subsection (1) provides that the tenant requires the consent of the landlord to an assignment, while subsection (2) sets out the process by which the tenant should seek this consent. Subsection (4) provides that the landlord is deemed to have consented unless the landlord intimates withholding that consent within 30 days of the tenant seeking consent by notice. Subsection (3) provides non-exhaustive grounds for withholding consent. Subsection (6) clarifies how “good husbandry” in subsection (3) (b) is to be defined.
22. Subsection (5) allows the landlord to override a proposed assignment of the tenant's interest to a third party by acquiring the tenancy on terms no less reasonable than those offered by the assignee.
23. Subsection (7) stipulates that a tenant under an LDT may sub-let the land let, but only if and insofar as this is provided for in the lease.