



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 1

AGRICULTURAL TENANCIES

CHAPTER 2

GENERAL PROVISION AS TO NEW TYPES OF TENANCY

Short limited duration tenancies and limited duration tenancies: general provision

17 Resumption of land by landlord

- (1) The landlord may resume the land or any part of the land comprised in a lease constituting a short limited duration tenancy or a limited duration tenancy if (and only if)—
 - (a) the resumption is for a non-agricultural purpose in respect of which permission requires to be obtained, and has been obtained, under the enactments relating to town and country planning by—
 - (i) in the case of a short limited duration tenancy, any person (including the tenant);
 - (ii) in the case of a limited duration tenancy, any person apart from the tenant;
 - (b) the lease does not expressly prohibit resumption for that purpose; and
 - (c) notice as mentioned in subsection (2) has been given.
- (2) The landlord must give the tenant notice of any intention of the landlord so to resume any land; and the notice must—
 - (a) be in writing;
 - (b) be given not less than 1 year before the date on which the resumption is to take place; and
 - (c) specify that date.
- (3) Where notice is given under subsection (2) for resumption of part of the land, the tenant may, within 28 days after—

Status: This is the original version (as it was originally enacted).

- (a) the giving of the notice; or
- (b) the determination of any matter arising from the notice,

whichever is the later, terminate the tenancy by giving notice in writing to the landlord; and the termination takes effect on the date specified under subsection (2)(c).

(4) Where the landlord resumes part of the land under this section, the tenant is entitled to a reduction in rent—

- (a) of an amount proportionate to that part; and
- (b) of an amount in respect of any depreciation of the value to the tenant of the remainder of the land caused by the resumption of the part or any use made of the part,

but where paragraph (a) applies, in determining the amount of the reduction, account is to be taken of any benefit or relief allowed to the tenant under the lease in respect of the part resumed.

(5) Where—

- (a) part of the land has been resumed under this section for a purpose mentioned in paragraph (f) (which specifies certain forms of mineral exploitation) of subsection (2) of section 29 of the 1991 Act (that paragraph applying for the purposes of this subsection as it does for the purposes of that section); and
- (b) the land which formed that part has subsequently been made suitable for, and is available for, agricultural use,

that land is, if the conditions in subsection (6) are fulfilled, to be restored to the tenancy.

(6) The conditions are that—

- (a) the tenancy continues in effect with the same landlord and tenant under the lease; and
- (b) any compensation paid to the tenant in consequence of the resumption was calculated on the basis that the land would be restored under subsection (5).