



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 2

TENANT'S RIGHT TO BUY LAND

Registration of interest and the right to buy

28 Right to buy

- (1) Where a tenant's interest in acquiring land is for the time being registered under section 25 and—
- (a) the owner of the land or a creditor in a standard security with a right to sell the land, gives notice to the tenant under section 26 of a proposal to transfer the land or any part of it; or
 - (b) the owner or the creditor takes any action with a view to the transfer of the land or any part of it and—
 - (i) the transfer is a transfer in respect of which notice to the tenant is required under section 26; and
 - (ii) such notice has not been given,the tenant has the right to buy the land to which the transfer relates (including any interest or rights comprised in the land) from the owner or, as the case may be, the creditor.
- (2) Where—
- (a) a tenant has a right to buy land under subsection (1); and
 - (b) despite the existence of that right, the owner, or as the case may be, the creditor transfers the land to a person other than the tenant,
- the tenant has the right to buy the land (including any interests or rights comprised in the land) from the person to whom the land is transferred or is subsequently transferred.
- (3) For the purposes of subsection (1)(b), action is taken with a view to a transfer of land when—

Status: This is the original version (as it was originally enacted).

- (a) the land is, by or with the authority of the owner of the land or a creditor in a standard security with a right to sell the land, advertised or otherwise exposed for sale;
 - (b) the owner or the creditor, or a person acting on behalf of the owner or the creditor, enters into negotiations with another person with a view to the transfer of the land; or
 - (c) the owner or the creditor, or a person acting on behalf of the owner or the creditor, proceeds further with any proposed transfer of the land which was initiated prior to the date on which the notice of interest was registered.
- (4) References in subsection (3) to the owner of land include references to the person in whom it has vested for the purposes of any such enactment as is mentioned in section 27(1)(g)(ix).
- (5) The Scottish Ministers may by order modify (either or both) subsections (3) and (4).