



# Agricultural Holdings (Scotland) Act 1991

## 1991 CHAPTER 55

### PART II

#### TERMS OF LEASES AND VARIATIONS THEREOF

##### *Termination of tenancy*

#### **16 Leases not terminated by variation of terms, etc..**

The lease of an agricultural holding shall not be brought to an end, and accordingly neither party shall be entitled to bring proceedings to terminate the lease or, except with the consent of the other party, to treat it as at an end, by reason only that any new term has been added to the lease or that any terms of the lease (including the rent payable) have been varied or revised in pursuance of this Act.

#### **[<sup>F1</sup>16A Leases not terminated on grounds of non-residence**

- (1) The lease of an agricultural holding shall not be brought to an end, and accordingly the landlord shall not be entitled to bring proceedings to terminate the lease or to treat it as at an end, by reason only that the tenant is not or has not been resident on the agricultural holding.
- (2) Where there is a term in a lease of an agricultural holding which purports to require the tenant to reside on the holding, there shall, in place of that term, be deemed to be incorporated in the lease an undertaking by the tenant that he will, if he does not reside on the holding, ensure that a person who has the skills and experience necessary to farm the holding in accordance with the rules of good husbandry resides on the holding.]

#### **Textual Amendments**

- F1** S. 16A inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), ss. 65, 95(3), 95(4) (with s. 95(2)); S.S.I. 2003/548, art. 2(e) (with Sch.)

---

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

---

**17 Prohibition of removal of manure, etc., after notice to quit, etc..**

Where, in respect of an agricultural holding, notice to quit is given by the landlord or notice of intention to quit is given by the tenant, the tenant shall not, subject to any agreement to the contrary, at any time after the date of the notice, sell or remove from the holding any manure or compost, or any hay, straw or roots grown in the last year of the tenancy, unless and until he has given the landlord or the incoming tenant a reasonable opportunity of agreeing to purchase them on the termination of the tenancy at their fair market value, or at such other value as is provided by the lease.

**18 Tenant's right to remove fixtures and buildings.**

- (1) Subject to subsections (2) to (4) below, and to section 40(4)(a) of this Act—
  - (a) any engine, machinery, fencing or other fixture affixed to an agricultural holding by the tenant thereof; and
  - (b) any building (other than one in respect of which the tenant is entitled to compensation under this Act or otherwise) erected by him on the holding, not being a fixture affixed or a building erected in pursuance of some obligation in that behalf, or instead of some fixture or building belonging to the landlord, shall be removable by the tenant at any time during the continuance of the tenancy or before the expiry of 6 months, or such longer period as may be agreed, after the termination of the tenancy and shall remain his property so long as he may remove it by virtue of this subsection.
- (2) The right conferred by subsection (1) above shall not be exercisable in relation to a fixture or building unless the tenant—
  - (a) has paid all rent owing by him and has performed or satisfied all his other obligations to the landlord in respect of the holding; and
  - (b) has, at least one month before whichever is the earlier of the exercise of the right and the termination of the tenancy, given to the landlord notice in writing of his intention to remove the fixture or building.
- (3) If, before the expiry of the period of notice specified in subsection (2)(b) above, the landlord gives to the tenant a counter-notice in writing electing to purchase a fixture or building comprised in the notice, subsection (1) above shall cease to apply to that fixture or building, but the landlord shall be liable to pay to the tenant the fair value thereof to an incoming tenant of the holding.
- (4) In the removal of a fixture or building by virtue of subsection (1) above, the tenant shall not do to any other building or other part of the holding any avoidable damage, and immediately after the removal shall make good all damage so occasioned.

**19 Payment for implements, etc., sold on quitting holding.**

- (1) Where a tenant of an agricultural holding has entered into an agreement or it is a term of the lease of the holding that the tenant will, on quitting the holding, sell to the landlord or to the incoming tenant any implements of husbandry, fixtures, farm produce or farm stock on or used in connection with the holding, notwithstanding anything in the agreement or lease to the contrary, it shall be deemed to be a term of the agreement or of the lease, as the case may be, that the property in the goods shall not pass to the buyer until the price is paid and that payment of the price shall be made within one month after the tenant has quitted the holding or, if the price of the goods

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

is to be ascertained by a valuation, within one month after the delivery of the award in the valuation.

- (2) Where payment of the price is not made within one month as aforesaid the outgoing tenant shall be entitled to sell or remove the goods and to receive from the landlord or the incoming tenant, as the case may be, by whom the price was payable, compensation of an amount equal to any loss or expense unavoidably incurred by the outgoing tenant upon or in connection with such sale or removal, together with any expenses reasonably incurred by him in the preparation of his claim for compensation.

<sup>F2</sup>(3) . . . . .

**Textual Amendments**

- F2** S. 19(3) repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 18](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

**20 Removal of tenant for non-payment of rent.**

- (1) When 6 months' rent of an agricultural holding is due and unpaid, the landlord shall be entitled to raise an action of removing in the [<sup>F3</sup>Land Court] against the tenant, concluding for his removal from the holding at the term of Whitsunday or Martinmas next ensuing after the action is raised.
- (2) In an action raised under subsection (1) above, the [<sup>F4</sup>Land Court] may, unless the arrears of rent then due are paid or caution is found to [<sup>F5</sup>its] satisfaction for them, and for one year's rent further, decern the tenant to remove, and may eject him at the said term in like manner as if the lease were determined and the tenant had been legally warned to remove.
- (3) A tenant of a holding removed under this section shall have the rights of an outgoing tenant to which he would have been entitled if his tenancy had terminated by operation of notice to quit or notice of intention to quit at the term when he is removed.

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

**Textual Amendments**

- F3** Words in s. 20(1) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 19\(a\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F4** Words in s. 20(2) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 19\(b\)\(i\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F5** Words in s. 20(2) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 19\(b\)\(ii\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F6** S. 20(4) repealed (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 19\(c\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Cross Heading: Termination of tenancy.