



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 2

TENANT'S RIGHT TO BUY LAND

Registration of interest and the right to buy

25 Registration of tenant's interest

- (1) A tenant of a 1991 Act tenancy may apply to have registered an interest in acquiring the land comprised in the lease by sending a notice (in this section referred to as a "notice of interest") to the Keeper.
- (2) For the purposes of this Part, "tenant"—
 - (a) where there are two or more tenants under the lease, means those tenants; and
 - (b) does not include a sub-tenant.
- (3) The notice of interest must be in such form as the Scottish Ministers may prescribe by regulations and must specify—
 - (a) the particulars of the tenant and the owner of the land;
 - (b) where there are two or more tenants under the lease, the fact that each of them consents to the making of the application to register their interest in acquiring the land;
 - (c) the location and boundaries of the land (by reference, where appropriate, to the lease or any map or drawing);
 - (d) any interest or rights comprised in the land (including any sporting or mineral rights); and
 - (e) such other information as the Scottish Ministers may so prescribe.
- (4) The tenant must send a copy of the notice of interest to the owner of the land and notify the Keeper that the copy has been so sent.
- (5) On receipt of the notice of interest, the Keeper must—
 - (a) register—
 - (i) the tenant's interest in acquiring the land;
 - (ii) the details specified in the notice of interest; and

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- (iii) the date of registration; and
 - (b) send an extract of the registration to the tenant and the owner of the land.
- (6) Where the registration relates to land over which there is a standard security, the owner, on receipt of the extract, must—
 - (a) intimate that fact to the tenant; and
 - (b) send a copy of the extract to the creditor in the standard security.
- (7) The Keeper may charge such reasonable fee for—
 - (a) registering tenants' interests in acquiring land; and
 - (b) providing extracts, and copy extracts, of registration, as the Scottish Ministers may by order specify.
- (8) If the owner of the land disputes any matter contained in the extract of registration, the owner may, by notice in writing to the Keeper, challenge the registration of the tenant's interest in acquiring the land on the grounds that any matter contained in the extract is inaccurate.
- (9) On receipt of notice under subsection (8), the Keeper is to make such enquiry in connection with the tenant's interest in acquiring the land as the Keeper considers appropriate; and following such an enquiry, if the Keeper considers that the notice of interest is inaccurate, the Keeper—
 - (a) must, if the inaccuracy is material, rescind the registration of the tenant's interest; and
 - (b) may, if the inaccuracy is not material, amend that registration.
- (10) Where, under subsection (9)—
 - (a) the registration of the tenant's interest in acquiring the land is rescinded, the Keeper must intimate that fact to the tenant and the owner of the land; and
 - (b) that registration is amended, the Keeper must send an extract of the registration to the tenant and the owner of the land.
- (11) The tenant or the owner of the land may appeal to the Land Court against any decision made, following notice under subsection (8), by the Keeper in respect of the registration of the tenant's interest in acquiring the land; and in an appeal under this subsection the Court may make such order as it considers appropriate.
- (12) A registration of a tenant's interest in acquiring land—
 - (a) continues to have effect only in relation to such land as remains comprised in the tenancy; and
 - (b) ceases to have effect—
 - (i) if the registration is rescinded;
 - (ii) if the tenancy is terminated; or
 - (iii) where neither of those things has occurred, at the expiry of the period of five years from the date of registration.
- (13) Where—
 - (a) the tenancy is terminated during that period; or,
 - (b) there is a reduction in the land comprised in the tenancy,the landlord must give notice in writing of that fact to the Keeper.

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- (14) Where a tenant's interest in acquiring land is, or has been, registered, the tenant may at any time apply to have the interest registered again (with or without modification to the matters specified in the notice of interest).
- (15) The Keeper must remove from the Register any registration of a tenant's interest in acquiring land which no longer has effect.