



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### PART 2

#### TENANT'S RIGHT TO BUY LAND

##### *Registration of interest and the right to buy*

#### **27 Transfers not requiring notice**

- (1) Notice is not required under section 26 where the transfer is or, as the case may be, would be—
- (a) otherwise than for value;
  - (b) in implement or pursuance of an order of a court (other than an order under section 24 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35) or a decree in an action for the division and sale of land);
  - (c) between spouses in pursuance of an arrangement between them entered into at any time after they have ceased living together;
  - (d) of croft land to the crofter tenancing it;
  - (e) between companies in the same group;
  - (f) to a statutory undertaker for the purpose of carrying on the undertaking;
  - (g) a transfer—
    - (i) implementing the compulsory acquisition of land under any enactment;
    - (ii) by agreement, of land which could have been acquired compulsorily under any enactment;
    - (iii) implementing any right conferred by Part 2 (which provides for the community right to buy) of the Land Reform (Scotland) Act 2003 (asp 2) to buy land;
    - (iv) implementing any right conferred by Part 3 (which provides for the crofting community right to buy) of that Act to buy eligible land within the meaning of that Part of that Act;
    - (v) implementing missives for the sale and purchase of land concluded, or an option to acquire land which existed on a date on which no notice of interest in acquiring the land was registered under section 25;

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*Status: This is the original version (as it was originally enacted).*

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- (vi) conveying a house to a person who has purchased it in pursuance of the tenant's right to buy it under Part III of the Housing (Scotland) Act 1987 (c. 26);
  - (vii) which requires, or which but for the provisions of section 14 of that Act would require, the consent of the Scottish Ministers under subsection (5) or (7) of section 12 of that Act;
  - (viii) under section 65 of the Housing (Scotland) Act 2001 (asp 10); or
  - (ix) vesting the land in a person for the purposes of any enactment relating to sequestration, bankruptcy, winding up or incapacity or to the purposes for which judicial factors may be appointed; or
- (h) a transfer of land in consequence of—
- (i) the assumption or resignation or death of one or more of the partners in a partnership; or
  - (ii) the assumption or resignation or death of one or more of the trustees of a trust.
- (2) In the case of a transfer mentioned in any of paragraphs (a), (e) and (h) of subsection (1), if the transfer—
- (a) is or forms part of a scheme or arrangement or is one of a series of transfers; and
  - (b) the main purpose or effect, or one of the main purposes or effects, of the scheme, arrangement or, as the case may be, series is the avoidance of the requirements or consequences of this Part,
- the transfer is, for the purposes of section 28, deemed to be a transfer in respect of which notice is required under section 26.
- (3) For the purposes of subsection (1)(e), companies are in the same group if they are, or are included in a number of, companies which, by virtue of section 170 of the Taxation of Chargeable Gains Act 1992 (c. 12), together form a group for the purposes of sections 171 to 181 of that Act.
- (4) In subsection (1)(f), “statutory undertaker” is to be construed in accordance with section 214 of the Town and Country Planning (Scotland) Act 1997 (c. 8).
- (5) The Scottish Ministers may by order modify (any or all) subsections (1) to (4).