



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### PART 2

#### TENANT'S RIGHT TO BUY LAND

##### *Procedure for buying and valuation*

### 32 Procedure for buying

- (1) It is for the tenant to make the offer to buy in exercise of the tenant's right to buy under section 28.
- (2) The offer is to be at a price—
  - (a) agreed between the tenant and the person from whom the land is to be bought ("the seller"); or
  - (b) where there is no such agreement—
    - (i) payable by the tenant in accordance with section 34(8); or
    - (ii) if the price is determined in an appeal under section 37, as is so determined,and must specify the date of entry and of payment of the price in accordance with subsection (3).
- (3) The date of entry and of payment of the price are to be—
  - (a) a date not later than 6 months from the date when the tenant gave notice under section 29(2) or (4) of the tenant's intention to buy;
  - (b) where the price payable by the tenant is the subject of an appeal under section 37 which has not, within the period of 4 months after the date when the tenant gave such notice, been—
    - (i) determined; or
    - (ii) abandoned following agreement between the tenant and the seller,a date not later than 2 months after the appeal is so determined or, as the case may be, abandoned; or
  - (c) such later date as may be agreed between the tenant and the seller.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The offer may include such other reasonable conditions as are necessary or expedient to secure the efficient progress and completion of the transfer.
- (5) If the tenant has not, within the period fixed by or agreed under subsection (3), done any of the things mentioned in subsection (6), the seller may apply to the Land Court for an order under subsection (7).
- (6) The things are—
- (a) concluding missives with the seller for the sale of the land to the tenant; or
  - (b) if the tenant has not so concluded missives, taking all steps which the tenant could reasonably have taken in the time available towards so concluding missives.
- (7) An order under this subsection may—
- (a) direct the tenant—
    - (i) to conclude missives with the seller within such period; and
    - (ii) to take such remedial action for the purpose of so concluding missives; and
  - (b) direct the tenant and seller to incorporate into the missives any term or condition in respect of the sale of the land,  
as the order may specify.
- (8) If—
- (a) the tenant fails to comply with an order under subsection (7); or
  - (b) where the seller has not applied for an order under that subsection, the tenant has not (having regard to the period fixed by or agreed under subsection (3)) within a reasonable period from the acquiring by the tenant of the right to buy otherwise concluded missives with the seller for the sale of the land to the tenant,  
the right to buy is extinguished.