



# Agricultural Holdings (Scotland) Act 1991

## 1991 CHAPTER 55

### PART II

#### TERMS OF LEASES AND VARIATIONS THEREOF

#### 11 Bequest of lease

- (1) Subject to subsections (2) to (8) below, the tenant of an agricultural holding may, by will or other testamentary writing, bequeath his lease of the holding to his son-in-law or daughter-in-law or to any one of the persons who would be, or would in any circumstances have been, entitled to succeed to the estate on intestacy by virtue of the Succession (Scotland) Act 1964.
- (2) A person to whom the lease of a holding is so bequeathed (in this section referred to as “the legatee”) shall, if he accepts the bequest, give notice of the bequest to the landlord of the holding within 21 days after the death of the tenant, or, if he is prevented by some unavoidable cause from giving such notice within that period, as soon as practicable thereafter.
- (3) The giving of a notice under subsection (2) above shall import acceptance of the lease and, unless the landlord gives a counter-notice under subsection (4) below, the lease shall be binding on the landlord and on the legatee, as landlord and tenant respectively, as from the date of the death of the deceased tenant.
- (4) Where notice has been given under subsection (2) above, the landlord may within one month thereafter give to the legatee a counter-notice intimating that he objects to receiving him as tenant under the lease.
- (5) If the landlord gives a counter-notice under subsection (4) above, the legatee may make application to the Land Court for an order declaring him to be tenant under the lease as from the date of the death of the deceased tenant.
- (6) If, on the hearing of such an application, any reasonable ground of objection stated by the landlord is established to the satisfaction of the Land Court, they shall declare the bequest to be null and void, but in any other case they shall make an order in terms of the application.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Pending any proceedings under this section, the legatee, with the consent of the executor in whom the lease is vested under section 14 of the Succession (Scotland) Act 1964, shall, unless the Land Court on cause shown otherwise direct, have possession of the holding.
- (8) If the legatee does not accept the bequest, or if the bequest is declared null and void under subsection (6) above, the right to the lease shall be treated as intestate estate of the deceased tenant in accordance with Part I of the Succession (Scotland) Act 1964.