

2004 No. 497

LANDLORD AND TENANT

The Agricultural Holdings (Forms) (Scotland) Regulations 2004

Made - - - - - *18th November 2004*
Laid before the Scottish Parliament *22nd November 2004*
Coming into force - - - *15th December 2004*

The Scottish Ministers, in exercise of the powers conferred by sections 25(3) and 26(2) of the Agricultural Holdings (Scotland) Act 2003(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Agricultural Holdings (Forms) (Scotland) Regulations 2004 and shall come into force on 15th December 2004.

(2) In these Regulations “the Act” means the Agricultural Holdings (Scotland) Act 2003.

Notice of Interest

2. The form set out in Schedule 1 to these Regulations is prescribed for the purposes of section 25 of the Act.

Notice of Proposal to Transfer Land

3. The form set out in Schedule 2 to these Regulations is prescribed for the purposes of section 26 of the Act.

ROSS FINNIE
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
18th November 2004

SCHEDULE 1

Regulation 2

AGRICULTURAL HOLDINGS (SCOTLAND) ACT 2003

TENANT'S NOTICE OF INTEREST

**REGISTERS OF SCOTLAND EXECUTIVE AGENCY
NOTICE OF INTEREST IN ACQUIRING LAND**

RCIL (AT)

Agricultural Holdings (Scotland) Act 2003

Keeper of the Registers of Scotland
Meadowbank House
153 London Road
Edinburgh, EH8 7AU
Telephone: 0131 659 6111

Please complete this form in Black Ink, **in accordance with the guidance notes**

Presented by (Name and Address)

(This information is only required if different from Part A: Applicant Details)

Name:

Address:

Postcode:

Email:*

Telephone:*

FOR OFFICIAL USE ONLY

Date received:

Ref:

Fee: £40 £25

Cheque no:

Is this an application to register again an existing or previously registered interest? Yes No

If Yes, please enter Registration Number and complete Parts A to E only where the details have been modified since the previous application
Please also complete Part F

Registration No:

If No, please leave the Registration Number blank and complete Parts A to F

PART A: Applicant Details

I/We apply for registration under the Agricultural Holdings (Scotland) Act 2003

Name:

Address:

Postcode:

Email:*

Telephone:*

Is the applicant a general partner of a limited partnership tenant? Yes No

Any additional applicants? Yes No

If Yes, please enter details in Additional Applicants page (Part G(i))

**Note: this information is optional. However, where provided it will form part of the Register and as such will be published on the public record along with the remainder of the information contained in this form.*

Unique Id:

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REGISTERS OF SCOTLAND EXECUTIVE AGENCY
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PART B: Tenant Details

(Enter details of **all** tenants with an interest in this holding (unless already specified in Part A))

Name:

Address:

Postcode:

Name:

Address:

Postcode:

Any additional tenants? Yes No If Yes, please enter details in Additional Tenants page (Part G(ii))

PART C: Landowner Details

(Enter details of **all** landowners. A minimum of one landowner name and address is required)

Name:

Address:

Postcode:

Name:

Address:

Postcode:

Any additional landowners? Yes No If Yes, please enter details in Additional Landowners page (Part G(iii))

Unique Id:

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PART D: Details of land being registered

Location and boundaries of land (by reference, if appropriate, to a lease or map/drawing)

Land Name,
Farm Name and/or
Estate Name:

County:

Postcode:

Number of maps/drawings enclosed:

Please provide a description sufficient to identify the location and boundaries of the land

PART E: Rights

Are there any interests or rights comprised in the land?
Include any mineral or sporting rights in this section

Yes No

If Yes, please give details:

PART F: Declaration and Undertaking

The declaration below must be signed by the applicant, or where appropriate, the applicant's authorised agent.

I/We certify that, to the best of my/our knowledge and belief:

1. The applicant is a tenant (or an eligible general partner of a limited partnership tenant) under the lease of an agricultural holding in terms of the Agricultural Holdings (Scotland) Act 1991;
2. In accordance with Section 25(4) of the Agricultural Holdings (Scotland) Act 2003 a copy of this Notice of Interest has been sent to the current landowner of the holding;
3. The land and any rights in respect of which registration is sought are comprised in the lease;
4. In accordance with Section 25(3)(b) of the Agricultural Holdings (Scotland) Act 2003, the consent of all tenants (or other eligible general partners of a limited partnership tenant) of the holding to the making of this application has been obtained;
5. That the information supplied in this Notice of Interest is correct.

Signed:

Dated:

To be signed by the applicant(s) or their agent.

REGISTERS OF SCOTLAND EXECUTIVE AGENCY
NOTICE OF INTEREST IN ACQUIRING LAND
Agricultural Holdings (Scotland) Act 2003

RCIL (AT)

Part G(i): Additional Applicants

Name:

Address:

Postcode:

Email:*

Telephone:*

Name:

Address:

Postcode:

Email:*

Telephone:*

Name:

Address:

Postcode:

Email:*

Telephone:*

REGISTERS OF SCOTLAND EXECUTIVE AGENCY
NOTICE OF INTEREST IN ACQUIRING LAND
Agricultural Holdings (Scotland) Act 2003

RCIL (AT)

Part G(ii): Additional Tenants

Name:

Address:

Postcode:

Name:

Address:

Postcode:

Name:

Address:

Postcode:

Name:

Address:

Postcode:

REGISTERS OF SCOTLAND EXECUTIVE AGENCY
NOTICE OF INTEREST IN ACQUIRING LAND
Agricultural Holdings (Scotland) Act 2003

RCIL (AT)

Part G(iii): Additional Landowners

Name:

Address:

Postcode:

Name:

Address:

Postcode:

Name:

Address:

Postcode:

Name:

Address:

Postcode:

PART G(iv): Additional Information

SCHEDULE 2

Regulation 3

AGRICULTURAL HOLDINGS (SCOTLAND) ACT 2003

NOTICE OF PROPOSAL TO TRANSFER LAND

Notice by an owner of land or creditor in a Standard Security to a tenant under section 26(1) of the Agricultural Holdings (Scotland) Act 2003

I/We, owner(s)* of [here specify land in respect of which a tenant's interest has been registered, or any part of that land, with registration number if known] hereby give(s) notice in terms of section 26(1) of the Agricultural Holdings (Scotland) Act 2003 to [specify tenant with registered interest] that I/we propose to transfer the above mentioned land.

If you intend to purchase this land, section 29(1) and (2) of that Act require you to notify me/us of your intention within 28 days of receiving this notice. You are advised to seek legal advice about this notice and any action you may require to take as a result of receiving this notice.

Date

(Signed by owner)*

*If appropriate insert instead details of a creditor in a Standard Security with a right to sell the land.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the forms to be used for—

- (a) the notice of a tenant's interest under section 25 of the Agricultural Holdings (Scotland) Act 2003 (asp 11) ("the Act"); and
- (b) the notice to be given by an owner or creditor under section 26 of the Act where a transfer of land is proposed.

Regulation 2 and Schedule 1 prescribes the form of application for the registration of an interest in acquiring land under section 25(1) of the Act. Section 25(3) of the Act prescribes the information which must be specified in the form. Section 25(4) of the Act requires the tenant to send a copy of the form to the owner of the land in question.

Regulation 3 and Schedule 2 prescribes the form of notice to be given by an owner of land or creditor, who proposes to transfer land, to a tenant where that tenant has registered an interest in acquiring the land. Section 26(1) of the Act requires the notice to be served upon the tenant and a copy sent to the Keeper of the Register of Community Interests in Land.

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