
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 232

The Public Services Reform (Agricultural Holdings) (Scotland) Order 2011

PART 2

AMENDMENT OF THE AGRICULTURAL HOLDINGS (SCOTLAND) ACT 1991

Annulment of post lease agreements under section 5

4. For section 5(4B) (fixed equipment and insurance premiums)(1) substitute—

“(4B) This subsection is complied with if—

- (a) subject to subsection (4BA), no later than 6 months before the date from which any variation of rent will take effect, the tenant gave written notice to the landlord stating that the agreement is to be nullified on that date;
- (b) the rent is reviewed in accordance with the terms of the tenancy or is determined by the Land Court in accordance with section 13 of this Act; and
- (c) on the date referred to in paragraph (a)—
 - (i) the buildings and other fixed equipment are in a reasonable state of repair; or
 - (ii) if the buildings and other fixed equipment were in an unreasonable state of repair when the agreement was made, they are not in a worse state of repair than they were then.

(4BA) Where a rent review is initiated less than 6 months before any variation of rent would take effect, subsection (4B)(a) is complied with if notice is given when it is initiated, or as soon as reasonably practicable thereafter.”

(1) Subsection (4B) was inserted by section 60 of the 2003 Act.