



Agriculture Act 1970

1970 CHAPTER 40

PART VII

MISCELLANEOUS PROVISIONS

101 Further provisions as to recovery of possession of redundant farmhouses in Scotland

- (1) This section shall have effect where a dwelling-house in Scotland is let on a regulated tenancy and the last occupier of the dwelling-house before the commencement of the regulated tenancy was a person, or the widow of a person, who was at some time during his occupation responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of land which formed, together with the dwelling-house, an agricultural unit within the meaning of the Agriculture (Scotland) Act 1948.
- (2) If—
 - (a) the conditions mentioned in subsection (3) of this section are satisfied, and
 - (b) apart from the Rent Acts the landlord would be entitled to recover possession of the dwelling-house, and
 - (c) the sheriff is satisfied that the dwelling-house is required for occupation either by a person responsible or to be responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the said land or by a person employed or to be employed by the landlord in agriculture, the sheriff shall make an order for the possession of the dwelling-house whether or not he would have power to do so under section 3 of the Act of 1933, and section 5(2) of the Act of 1920 shall not apply in relation to the order.
- (3) The said conditions are—
 - (a) that the tenant of the dwelling-house is neither—
 - (i) a person, or the widow of a person, who is or has at any time been responsible for the control of the farming of any part of the said land, nor

Status: This is the original version (as it was originally enacted).

- (ii) a person, or the widow of a person, who is or at any time was employed by the landlord in agriculture ; and
 - (b) that the creation of the tenancy was not preceded by the carrying out in connection with any of the said land of an amalgamation approved for the purposes of a scheme under section 26 of the Agriculture Act 1967; and
 - (c) that not later than the date of commencement of the regulated tenancy, the tenant was given notice in writing that possession might be recovered under this section; and
 - (d) that the proceedings for possession are commenced by the landlord before the expiry of five years from the date on which the occupier referred to in subsection (1) of this section ceased to occupy the dwelling-house.
- (4) In this section—
- " the Rent Acts " means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939, or any of those Acts ;
 - " the Act of 1920 " and " the Act of 1933 " mean respectively the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 and the Rent and Mortgage Interest Restrictions (Amendment) Act 1933 ;
 - " employed " and " agriculture " have the same meanings as in the Agricultural Wages (Scotland) Act 1949;
 - " landlord ", " tenant " and " tenancy " have the same meanings as in the Act of 1920 ;
 - " regulated tenancy " has the same meaning as in section 1(4) of the Rent Act 1965 ; and
 - " order for possession " means decree of removing or warrant of ejection or other like order.