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*Status: Point in time view as at 30/06/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, SCHEDULE 2. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 2

Section 25.

#### GROUND FOR CONSENT TO OPERATION OF NOTICES TO QUIT A TENANCY WHERE SECTION 25(3) APPLIES

##### PART I

#### GROUND FOR CONSENT TO OPERATION OF NOTICE TO QUIT A TENANCY LET BEFORE 1 JANUARY 1984

##### *Case 1*

The tenant has neither sufficient training in agriculture nor sufficient experience in the farming of land to enable him to farm the holding with reasonable efficiency.

##### *Case 2*

- (a) The holding or any agricultural unit of which it forms part is not a two-man unit;
- (b) the landlord intends to use the holding for the purpose of effecting an amalgamation within 2 years after the termination of the tenancy; and
- (c) the notice specifies the land with which the holding is to be amalgamated.

##### *Case 3*

The tenant is the occupier (either as owner or tenant) of agricultural land which—

- (a) is a two-man unit;
  - (b) is distinct from the holding and from any agricultural unit of which the holding forms part; and
  - (c) has been occupied by him since before the death of the person from whom he acquired right to the lease of the holding;
- and the notice specifies the agricultural land.

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## PART II

### GROUNDS FOR CONSENT TO OPERATION OF NOTICE TO QUIT A TENANCY LET ON OR AFTER 1 JANUARY 1984

#### *Case 4*

The tenant does not have sufficient financial resources to enable him to farm the holding with reasonable efficiency.

#### *Case 5*

The tenant has neither sufficient training in agriculture nor sufficient experience in the farming of land to enable him to farm the holding with reasonable efficiency:

Provided that this Case shall not apply where the tenant has been engaged, throughout the period from the date of death of the person from whom he acquired right to the lease, in a course of relevant training in agriculture which he is expected to complete satisfactorily within 4 years from the said date, and has made arrangements to secure that the holding will be farmed with reasonable efficiency until he completes that course.

#### *Case 6*

- (a) The holding or any agricultural unit of which it forms part is not a two-man unit;
- (b) the landlord intends to use the holding for the purpose of effecting an amalgamation within 2 years after the termination of the tenancy; and
- (c) the notice specifies the land with which the holding is to be amalgamated.

#### *Case 7*

The tenant is the occupier (either as owner or tenant) of agricultural land which—

- (a) is a two-man unit;
- (b) is distinct from the holding; and
- (c) has been occupied by him throughout the period from the date of giving of the notice; and the notice specifies the land.

## PART III

### SUPPLEMENTARY

1 For the purposes of section 25 of this Act and this Schedule—

“amalgamation” means a transaction for securing that agricultural land which is comprised in a holding to which a notice to quit relates and which together with other agricultural land could form an agricultural unit, shall be owned and occupied in conjunction with that other land (and cognate expressions shall be construed accordingly);

“near relative” in relation to a deceased tenant of an agricultural holding means a surviving spouse<sup>[F1]</sup>, surviving civil partner] or child of that tenant,

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including a child adopted by him in pursuance of an adoption order (as defined in section 23(5) of the <sup>M1</sup>Succession (Scotland) Act 1964); and

“two-man unit” means an agricultural unit which in the opinion of the Land Court is capable of providing full-time employment for an individual occupying it and at least one other man.

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**Textual Amendments**

**F1** Words in Sch. 2 para. 1 inserted (30.6.2006) by [The Civil Partnership Act 2004 \(Consequential Amendments\) \(Scotland\) Order 2006 \(S.S.I. 2006/379\)](#), arts. 1(1), 2

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**Marginal Citations**

**M1** 1964 c. 41.

- 2 For the purposes of determining whether land is a two-man unit, in assessing the capability of the unit of providing employment it shall be assumed that the unit is farmed under reasonably skilled management, that a system of husbandry suitable for the district is followed and that the greater part of the feeding stuffs required by any livestock kept on the unit is grown there.
- 3 For the purposes of Case 7 of this Schedule, occupation of agricultural land—
- (a) by a company which is controlled by the tenant shall be treated as occupation by the tenant; and
  - (b) by a Scottish partnership shall, notwithstanding section 4(2) of the <sup>M2</sup>Partnership Act 1890, be treated as occupation by each of its partners.

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**Marginal Citations**

**M2** 1890 c. 39.

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