



Agricultural Holdings (Scotland) Act 1991

1991 CHAPTER 55

PART II

TERMS OF LEASES AND VARIATIONS THEREOF

Termination of tenancy

18 Tenant's right to remove fixtures and buildings

- (1) Subject to subsections (2) to (4) below, and to section 40(4)(a) of this Act—
 - (a) any engine, machinery, fencing or other fixture affixed to an agricultural holding by the tenant thereof; and
 - (b) any building (other than one in respect of which the tenant is entitled to compensation under this Act or otherwise) erected by him on the holding,
not being a fixture affixed or a building erected in pursuance of some obligation in that behalf, or instead of some fixture or building belonging to the landlord, shall be removable by the tenant at any time during the continuance of the tenancy or before the expiry of 6 months, or such longer period as may be agreed, after the termination of the tenancy and shall remain his property so long as he may remove it by virtue of this subsection.
- (2) The right conferred by subsection (1) above shall not be exercisable in relation to a fixture or building unless the tenant—
 - (a) has paid all rent owing by him and has performed or satisfied all his other obligations to the landlord in respect of the holding; and
 - (b) has, at least one month before whichever is the earlier of the exercise of the right and the termination of the tenancy, given to the landlord notice in writing of his intention to remove the fixture or building.
- (3) If, before the expiry of the period of notice specified in subsection (2)(b) above, the landlord gives to the tenant a counter-notice in writing electing to purchase a fixture or building comprised in the notice, subsection (1) above shall cease to apply to that

Status: This is the original version (as it was originally enacted).

fixture or building, but the landlord shall be liable to pay to the tenant the fair value thereof to an incoming tenant of the holding.

- (4) In the removal of a fixture or building by virtue of subsection (1) above, the tenant shall not do to any other building or other part of the holding any avoidable damage, and immediately after the removal shall make good all damage so occasioned.