



# Agricultural Holdings (Scotland) Act 1991

## 1991 CHAPTER 55

### PART III

#### NOTICE TO QUIT AND NOTICE OF INTENTION TO QUIT

#### **23 Consent by Land Court or arbitration on notices to quit.**

- (1) An application by a landlord for the consent of the Land Court under section 22 of this Act to the operation of a notice to quit shall be made within one month after service on the landlord by the tenant of a counter-notice requiring that subsection (1) of that section shall apply to the notice to quit.
- (2) A tenant who has been given a notice to quit in connection with which any question arises under section 22(2) of this Act shall, if he requires such question to be determined by [<sup>F1</sup>the Land Court] under this Act, give notice to the landlord to that effect within one month after the notice to quit has been served on him.
- (3) Where [<sup>F2</sup>the determination of the Land Court] required under subsection (2) above is such that section 22(1) of this Act would have applied to the notice to quit if a counter-notice had been served within the period provided for in that subsection, that period shall be extended up to the expiry of one month from the issue of the [<sup>F3</sup>Land Court's determination].
- (4) Where such [<sup>F4</sup>a determination] as is referred to in subsection (2) above has been required by the tenant, or where an application has been made to the Land Court for their consent to the operation of a notice to quit, the operation of the notice to quit shall be suspended until the issue of the [<sup>F5</sup>Land Court's determination].
- (5) Where the decision of the Land Court giving their consent to the operation of a notice to quit, or the [<sup>F6</sup>determination] as is referred to in subsection (2) above, is issued at a date later than 6 months before the date on which the notice to quit is expressed to take effect, the Land Court, on application made to them in that behalf at any time not later than one month after the issue of the decision or award aforesaid, may postpone the operation of the notice to quit for a period not exceeding 12 months.

*Status: Point in time view as at 23/12/2016.*

*Changes to legislation: There are currently no known outstanding effects for the  
 Agricultural Holdings (Scotland) Act 1991, Section 23. (See end of Document for details)*

- (6) If the tenant of an agricultural holding receives from the landlord notice to quit the holding or a part thereof and in consequence thereof gives to a sub-tenant notice to quit that holding or part, section 22(1) of this Act shall not apply to the notice given to the sub-tenant; but if the notice to quit given to the tenant by the landlord does not have effect, then the notice to quit given by the tenant to the sub-tenant shall not have effect.
- (7) For the purposes of subsection (6) above, a notice to quit part of the holding which under section 30 of this Act is accepted by the tenant as notice to quit the entire holding shall be treated as a notice to quit the holding.
- (8) Where notice is served on the tenant of an agricultural holding to quit the holding or a part thereof, being a holding or part which is subject to a sub-tenancy, and the tenant serves on the landlord a counter-notice in accordance with section 22(1) of this Act, the tenant shall also serve on the sub-tenant notice in writing that he has served such counter-notice on the landlord and the sub-tenant shall be entitled to be a party to any proceedings before the Land Court for their consent to the notice to quit.

#### Textual Amendments

- F1** Word in s. 23(2) substituted (27.11.2003) by *Agricultural Holdings (Scotland) Act 2003* (asp 11), s. 95(3)(4), **Sch. para. 21(a)** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F2** Words in s. 23(3) substituted (27.11.2003) by *Agricultural Holdings (Scotland) Act 2003* (asp 11), s. 95(3)(4), **Sch. para. 21(b)(i)** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F3** Words in s. 23(3) substituted (27.11.2003) by *Agricultural Holdings (Scotland) Act 2003* (asp 11), s. 95(3)(4), **Sch. para. 21(b)(ii)** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F4** Words in s. 23(4) substituted (27.11.2003) by *Agricultural Holdings (Scotland) Act 2003* (asp 11), s. 95(3)(4), **Sch. para. 21(c)(i)** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F5** Words in s. 23(4) substituted (27.11.2003) by *Agricultural Holdings (Scotland) Act 2003* (asp 11), s. 95(3)(4), **Sch. para. 21(c)(ii)** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F6** Words in s. 23(5) substituted (27.11.2003) by *Agricultural Holdings (Scotland) Act 2003* (asp 11), s. 95(3)(4), **Sch. para. 21(d)** (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)

#### Modifications etc. (not altering text)

- C1** Ss. 22-24 modified by 2003 asp 11, s. 38N(2)-(6) (as inserted (23.12.2016 for specified purposes) by *Land Reform (Scotland) Act 2016* (asp 18), **ss. 100(2), 130(1)** (with s. 128); S.S.I. 2016/365, reg. 2, sch.)

**Status:**

Point in time view as at 23/12/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Holdings (Scotland) Act 1991, Section 23.