



# Agricultural Holdings (Scotland) Act 1949

## 1949 CHAPTER 75

### *Miscellaneous provisions affecting the relationship of landlord and tenant*

#### **20 Bequest of lease**

- (1) Subject to the provisions of this section, the tenant of an agricultural holding may, by will or other testamentary writing, bequeath his lease of the holding to any person.
- (2) A person to whom the lease of a holding is bequeathed as aforesaid (in this section referred to as "the legatee") shall, if he accepts the bequest, give notice of the bequest to the landlord of the holding within twenty-one days after the death of the tenant, or, if he is prevented by some unavoidable cause from giving such notice within that period, as soon as possible thereafter.

The giving of such notice shall import acceptance of the lease and, unless the landlord gives a counter-notice under the next following subsection, the lease shall be binding on the landlord and on the legatee, as landlord and tenant respectively, as from the date of the death of the deceased tenant.

- (3) Where notice as aforesaid has been given to the landlord he may within one month after the giving of the notice give to the legatee a counter-notice intimating that he objects to receive him as tenant under the lease.
- (4) If the landlord gives a counter-notice under the last foregoing subsection, the legatee may make application to the Land Court for an order declaring him to be tenant under the lease as from the date of the death of the deceased tenant.
- (5) If, on the hearing of such application, any reasonable ground of objection stated by the landlord is established to the satisfaction of the Land Court, they shall declare the bequest to be null and void, but in any other case they shall make an order in terms of the application.
- (6) Pending any proceedings under this section, the legatee shall, unless the Land Court on cause shown otherwise direct, have possession of the holding.

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*Status: This is the original version (as it was originally enacted).*

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- (7) If the legatee does not accept the bequest, or if the bequest is declared null and void as aforesaid, the right to the lease shall devolve upon the heir-at-law of the tenant as if the bequest had not been made.