

AGRICULTURAL HOLDINGS (SCOTLAND) ACT 2003

EXPLANATORY NOTES

INTRODUCTION

Part 1: Agricultural Tenancies

Section 20: Section 16 of the Succession (Scotland) Act 1964

69. This section amends those provisions of the [Succession \(Scotland\) Act 1964 \(c. 41\)](#) (“the 1964 Act”) which apply to agricultural leases to set out how they are to apply to LDTs and SLDTs.
70. New section 16(4A) and (4B) ensures that, notwithstanding any provision in a lease prohibiting assignation, the executor can assign the deceased tenant’s interest in the tenancy to a member of their family or to any other person.
71. New section 16(4C) provides executors with a new power to terminate the tenant’s interest in a lease where a tenant dies intestate or a bequest fails, if they are satisfied that the tenant’s interest cannot otherwise be disposed of according to the law of succession. This will enable the executor to realise the value of the tenancy and distribute any sum realised among the beneficiaries of the tenant’s estate more quickly in circumstances where beneficiaries are clearly not interested in assuming the tenancy. It also allows the executor to terminate the lease if a successor has not been found within the period defined in new subsection (4D).
72. Subsection (4E) requires the executor to exercise these powers in the best interests of the deceased’s estate.