

AGRICULTURAL HOLDINGS (SCOTLAND) ACT 2003

EXPLANATORY NOTES

INTRODUCTION

Part 6: Rights of Certain Persons Where Tenant is a Partnership

Section 73: Termination of tenancy continued under section 72

248. [Section 73](#) applies where any of the steps specified in [section 72\(3\)](#) are taken after the relevant date, 1st July 2003 (see the [Agricultural Holdings \(Relevant Date and Relevant Period\) \(Scotland\) Order 2003 \(S.S.I. 2003/294\)](#)), and the tenancy continues to have effect by virtue of a general partner having given notice under [section 72\(6\)](#) (see [section 72\(10\)](#)). Its effect is to ensure that a general partner obtains in most circumstances a guaranteed notice period before they are required to quit the land.
249. Such a tenancy can only be terminated by the landlord first intimating the intention to terminate the tenancy (under subsection (5)) and then serving a notice to quit (under subsection (4)). Subsections (5) and (4) regulate the periods of, respectively, intimation and notice required, although the minimum period in each case can be reduced by the Land Court on application of the landlord (see subsections (6) and (7)). The Land Court may only make such an order if satisfied that the step specified in [section 72\(3\)](#) was taken other than for the purposes of depriving any general partner of a right deriving from [section 72](#) and that it is reasonable to make the order.
250. Subsections (4) and (5) require that the landlord must serve upon the tenant a notice to quit as if the tenancy were an LDT. The provisions therefore closely mirror [section 8\(4\)](#) and (5) of the 2003 Act. Intimation of intention to terminate the tenancy must be given in writing by the landlord to the tenant not less than 2 years nor more than 3 years before expiry of the stipulated endurance of the tenancy or expiry of the period of continuation of the tenancy, where the tenancy is continuing by tacit relocation. The notice to quit cannot be given until a minimum of 90 days have elapsed after intimation is given under subsection (4). Notice to quit must be given in writing and state that the tenant must quit the land on the expiry of the stipulated endurance of the lease or expiry of the period of continuation of the lease, where the lease is continuing by tacit relocation. The notice to quit must be given not less than 1 year nor more than 2 years before the expiry of the stipulated endurance of the lease or expiry of the period of continuation of the lease, where the lease is continuing on tacit relocation.