



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 6

RIGHTS OF CERTAIN PERSONS WHERE TENANT IS A PARTNERSHIP

71 Meaning of “family”

- (1) For the purposes of section 70(8)(d), who the members of a person’s family are is to be construed in accordance with subsections (2) and (3).
- (2) A person (“AG”) is a member of another person’s family if—
 - (a) AG is the person’s spouse [^{F1}or civil partner] or AG and the person live together as husband and wife or in a relationship which has the characteristics of the relationship between husband and wife except that AG and the person are of the same sex; or
 - (b) AG is the person’s parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, niece or cousin.
- (3) For the purposes of subsection (2)(b)—
 - (a) a relationship by marriage [^{F2}or by virtue of civil partnership] is to be treated as a relationship by blood;
 - (b) a relationship of the half-blood is to be treated as a relationship of the whole blood;
 - (c) if AG is—
 - (i) the stepchild of the person, AG is to be treated as the person’s child;
 - (ii) the step-parent of the person, AG is to be treated as the person’s parent;
 - (d) if AG is brought up or treated by the person as if the person’s child, AG is to be treated as the person’s child.
- (4) The Scottish Ministers may by order modify (any or all) subsections (1) to (3).

Textual Amendments

- F1** Words in s. 71(2)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(c\), Sch. 28 para. 68\(2\)](#); [S.S.I. 2005/604, arts. 2\(c\), 4](#)

Changes to legislation: *Agricultural Holdings (Scotland) Act 2003, Section 71 is up to date with all changes known to be in force on or before 14 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F2 Words in s. 71(3)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 68\(3\)](#); S.S.I. 2005/604, arts. 2(c), 4

Modifications etc. (not altering text)

C1 S. 71 applied (28.2.2021) by [The Agricultural Holdings \(Relinquishment and Assignment\) \(Application to Relevant Partnerships\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/106\)](#), regs. 1(1), [2\(4\)\(d\)](#)(5)

Commencement Information

I1 S. 71 in force at 27.11.2003 by [S.S.I. 2003/548](#), [art. 2\(f\)](#) (with [Sch.](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7C inserted by [2016 asp 18 s. 93\(2\)](#)
- s. 7D inserted by [2016 asp 18 s. 106\(2\)](#)
- s. 8F8G inserted by [2016 asp 18 s. 94\(2\)](#)
- s. 16B inserted by [2016 asp 18 s. 95\(2\)](#)
- s. 17A inserted by [2016 asp 18 s. 96\(2\)](#)
- s. 18B inserted by [2016 asp 18 s. 97\(2\)](#)
- s. 26(1)(1A) substituted for s. 26(1) by [2016 asp 18 s. 99\(4\)\(a\)](#)
- s. 26(3) inserted by [2016 asp 18 s. 99\(4\)\(c\)](#)