



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 1

AGRICULTURAL TENANCIES

CHAPTER 2

GENERAL PROVISION AS TO NEW TYPES OF TENANCY

[^{F1}New types of tenancy: general provision]

8 Continuation and termination of limited duration tenancies

- (1) A limited duration tenancy may be terminated by agreement between the landlord and tenant if the agreement is in writing and—
 - (a) is entered into after the commencement of the tenancy; and
 - (b) makes provision as to compensation payable by the landlord or the tenant to the other.
- (2) At and after the expiry of the term of a limited duration tenancy, the tenancy continues to have effect in accordance with subsection (6) unless it is terminated in accordance with this section.
- (3) At the expiry of the term of a limited duration tenancy, the landlord may terminate the tenancy by giving a notice under this subsection to the tenant.
- (4) A notice under subsection (3) must—
 - (a) be in writing and state that the tenant shall quit the land on the expiry of the term of the tenancy; and
 - (b) be given not less than one year nor more than two years before the expiry of the term of the tenancy, provided that not less than 90 days have elapsed from the date on which the intimation mentioned in subsection (5) is given.
- (5) A notice under subsection (3) is of no effect unless the landlord has given written intimation of the landlord's intention to terminate the tenancy to the tenant not less than two years nor more than three years before the expiry of the term of the tenancy.

Changes to legislation: *Agricultural Holdings (Scotland) Act 2003, Section 8 is up to date with all changes known to be in force on or before 10 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*

- (6) If the tenancy is not terminated in accordance with this section, it continues in effect on a cycle of continuations; that is to say, a continuation of three years (a “first short continuation”) followed by a further continuation of three years (a “second short continuation”) followed by a further continuation of [F110] years (a “long continuation”) (the cycle being repeated without limit to the number of times).
- (7) During a first short continuation, the landlord may terminate the tenancy by giving a notice under this subsection to the tenant; and subsections (4) and (5) apply to a notice under this subsection as they do to a notice under subsection (3).
- (8) During a second short continuation, the landlord may terminate the tenancy by giving a notice under this subsection to the tenant.
- (9) A notice under subsection (8)—
- (a) must be in writing and state that the tenant shall quit the land on the relevant day; and
 - (b) may be given at any time during the continuation.
- (10) For the purposes of subsection (9)(a)—
- (a) where the notice has been given during the first year of the continuation, the relevant day is the day on which the continuation expires; and
 - (b) in any other case, the relevant day is the day on which the period of two years from the giving of the notice expires (and the continuation is deemed to expire on the relevant day).
- (11) During a long continuation, the landlord may terminate the tenancy by giving a notice under this subsection to the tenant; and subsections (4) and (5) apply to a notice under this subsection as they do to a notice under subsection (3).
- (12) For the purposes of subsections (7) and (11), the references in subsections (4) and (5) to the expiry of the term of the tenancy are to be read as references to the expiry of the continuation.
- (13) At or after the expiry of the term of a limited duration tenancy, the tenant may terminate the tenancy by giving a notice under this subsection to the landlord.
- (14) A notice under subsection (13) must—
- (a) be in writing and state that the tenant intends to quit the land on the expiry of the term of the tenancy or, as the case may be, a continuation of the tenancy; and
 - (b) be given not less than one year nor more than two years before the expiry of the term of the tenancy or, as the case may be, continuation.
- (15) During the term of a limited duration tenancy, the term of the tenancy may be extended by the landlord and tenant by agreement in writing.

Textual Amendments

- F1** Word in s. 8(6) substituted (22.3.2011) by [The Public Services Reform \(Agricultural Holdings\) \(Scotland\) Order 2011 \(S.S.I. 2011/232\)](#), arts. 1(1), 7(2) (with art. 10)
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Commencement Information

- II** S. 8 in force at 27.11.2003 by [S.S.I. 2003/548](#), art. 2(a) (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\(4\)\(c\)](#)