

Changes to legislation: Land Reform (Scotland) Act 2016, Cross Heading: 2003 Act is up to date with all changes known to be in force on or before 25 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

SCHEDULE 2 AGRICULTURAL HOLDINGS: MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 1

MODERN LIMITED DURATION TENANCIES AND REPAIRING TENANCIES

2003 Act

- 7 (1) The 2003 Act is amended as follows.
- (2) The italic heading before section 6 becomes “ New types of tenancy: general provision ”.
- (3) In section 10 (increase in rent: landlord's improvements), in subsection (1), after “tenancy” insert “ , a modern limited duration tenancy or a repairing tenancy ”.
- (4) In section 11 (variation of rent by Land Court)—
- (a) after “tenancy” insert “ , a modern limited duration tenancy or a repairing tenancy ”,
 - (b) for “or 16” substitute “ , 16, 16A or 16B ”.
- (5) In section 12 (right of tenant to withhold rent), in subsection (1)(b), for “or a limited duration tenancy” substitute “ , a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy ”.
- (6) In section 13 (written leases and the revision of certain leases)—
- (a) in subsection (1)—
 - (i) for “or a limited duration tenancy” substitute “ , a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy ”,
 - (ii) in paragraph (b)(ii), after “Act” insert “ , section 16A or, as the case may be, section 16B ”,
 - (b) in subsection (2)(b), after “16” insert “ , 16A or, as the case may be, 16B ”,
 - (c) in subsection (4)(a), after “Act” insert “ , section 16A or, as the case may be, section 16B, ”,
 - (d) in subsection (5), after “16” insert “ , 16A or, as the case may be, 16B ”.
- (7) In section 14 (freedom of cropping and disposal of produce), for “and limited duration tenancies” substitute “ , limited duration tenancies, modern limited duration tenancies and repairing tenancies ”.
- (8) In section 15 (permanent pasture), for “and limited duration tenancies” substitute “ , limited duration tenancies, modern limited duration tenancies and repairing tenancies ”.
- (9) In section 17 (resumption of land by landlord), in subsection (1)—
- (a) for “or a limited duration tenancy” substitute “ , a limited duration tenancy or a modern limited duration tenancy ”,
 - (b) in sub-paragraph (ii), after “tenancy” insert “ or a modern limited duration tenancy ”.
- (10) In section 19 (resumption and irritancy: supplementary)—

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- (a) for “or a limited duration tenancy” substitute “ , a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy ”,
 - (b) in paragraph (a), after “17” insert “ or 17A ”.
- (11) In section 22 (right of landlord to object to acquirer of tenancy)—
- (a) in subsection (1), for “or a limited duration tenancy” substitute “ , a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy ”,
 - (b) in subsection (3), for “or a limited duration tenancy” substitute “ , a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy ”.
- (12) In section 23 (effect of termination of tenancy where tenant deceased), for “or a limited duration tenancy” substitute “ , a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy ”.
- (13) In section 39 (use of land for non-agricultural purposes), in subsection (1)—
- (a) “or” immediately after paragraph (a) is repealed,
 - (b) after paragraph (b) insert—
 - “(c) tenancy under a lease constituting a modern limited duration tenancy, or
 - (d) tenancy under a lease constituting a repairing tenancy,”.
- (14) In section 42 (tenant's right to timber), in subsection (1)—
- (a) “or” immediately after paragraph (a) is repealed,
 - (b) after paragraph (b) insert—
 - “(c) a modern limited duration tenancy, or
 - (d) a repairing tenancy,”.
- (15) The italic heading before section 45 becomes “ New types of tenancy ”.
- (16) In section 45 (right to compensation for improvements)—
- (a) in subsection (1), for “or a limited duration tenancy” substitute “ , a limited duration tenancy or a modern limited duration tenancy ”,
 - (b) after subsection (4) insert—
 - “(5) Nothing in any order made under section 73 of the 1991 Act which varies the provisions of schedule 5 to that Act affects the right of a tenant of a short limited duration tenancy, a limited duration tenancy or a modern limited duration tenancy to claim, in respect of an improvement made or begun before the date on which such order comes into force, any compensation to which, but for the making of the order, the tenant would have been entitled.”.
- (17) In section 46 (payment of compensation by incoming tenant), for “or a limited duration tenancy” substitute “ , a limited duration tenancy or a modern limited duration tenancy ”.
- (18) The italic heading before section 52 becomes “ New types of tenancy ”.
- (19) In section 52 (compensation for disturbance)—
- (a) in subsection (1)(b), for “or a limited duration tenancy” substitute “ , a limited duration tenancy or a modern limited duration tenancy ”,
 - (b) in subsection (2)(b)(i), for “or limited duration tenancy” substitute “ , limited duration tenancy or modern limited duration tenancy ”.

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- (20) In section 53 (compensation for other particular things)—
- (a) in subsection (1)—
 - (i) for “and limited duration tenancies” substitute “, limited duration tenancies and modern limited duration tenancies ”,
 - (ii) in paragraph (b), after “16” insert “ or 16A ”,
 - (b) in subsection (2), after first “tenancies” insert “ and to modern limited duration tenancies ”,
 - (c) in subsection (3), for “and limited duration tenancies” substitute “, limited duration tenancies and modern limited duration tenancies ”.
- (21) In section 54 (compensation where compulsory acquisition of land), in subsection (1), for “or limited duration tenancy” substitute “, a limited duration tenancy or a modern limited duration tenancy ”.
- (22) In section 55 (right to compensation for yielding vacant possession)—
- (a) in subsection (1)—
 - (i) “and” immediately after paragraph (a) is repealed,
 - (ii) after paragraph (b) insert “, and
 - (c) a modern limited duration tenancy.”,
 - (b) in subsection (8)(a), after second “tenancy” insert “ or a modern limited duration tenancy ”.
- (23) In section 56 (no right to penal rent etc.), for “or limited duration tenancy” substitute “, a limited duration tenancy or a modern limited duration tenancy ”.
- (24) In section 57 (provision as to parts of land and divided land)—
- (a) in subsection (1), for “or a limited duration tenancy” substitute “, a limited duration tenancy or a modern limited duration tenancy ”,
 - (b) in subsection (3), for “or a limited duration tenancy” substitute “, a limited duration tenancy or a modern limited duration tenancy ”.
- (25) In section 59 (extent to which compensation recoverable under agreements)—
- (a) in subsection (1), for “or a limited duration tenancy” substitute “, a limited duration tenancy or a modern limited duration tenancy ”,
 - (b) in subsection (3), for “or a limited duration tenancy” substitute “, a limited duration tenancy or a modern limited duration tenancy ”.
- (26) In section 70 (rights of certain persons where tenant is a partnership), in subsection (1)(b), for “or a limited duration tenancy” substitute “, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy ”.
- (27) In section 77 (resolution of disputes by Land Court)—
- (a) in subsection (2)(a)—
 - (i) “or” immediately after sub-paragraph (ii) is repealed,
 - (ii) after sub-paragraph (ii) insert—
 - “(ia) a modern limited duration tenancy, or
 - (ib) a repairing tenancy,”,
 - (b) in subsection (4)—
 - (i) after first “tenancy” insert “, a modern limited duration tenancy or a repairing tenancy ”,
 - (ii) after “7(1)” insert “ or, as the case may be, 7B(1), 7D(1) or 7D(7) ”.

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- (28) In section 81 (clauses in leases as to resolution of disputes), in paragraph (a), after second “tenancy” insert “, a modern limited duration tenancy, a repairing tenancy”.
- (29) In section 92 (ancillary provision), in subsection (2), for “and limited duration tenancies” substitute “, limited duration tenancies, modern limited duration tenancies and repairing tenancies”.
- (30) In section 93 (interpretation)—
- (a) for the definition of “limited duration tenancy” substitute—
- ““limited duration tenancy” means a tenancy—
- (a) created by virtue of section 5(1), or
- (b) converted by virtue of section 5(2), (3) or (4),
- before the repeal of that section by section 85(2) of the Land Reform (Scotland) Act 2016,
- “modern limited duration tenancy” is to be construed in accordance with section 5A,”
- (b) after the definition of “the Parliament” insert—
- ““repairing tenancy” is to be construed in accordance with section 5C,”.

Commencement Information

- I1** Sch. 2 para. 7(1) in force at 23.12.2016 for specified purposes by [S.S.I. 2016/365](#), [reg. 2](#), [sch.](#) (with [regs. 3-15](#))
- I2** [Sch. 2 para. 7\(1\)](#) in force at 30.11.2017 for specified purposes by [S.S.I. 2017/299](#), [reg. 2](#), [sch.](#)
- I3** [Sch. 2 para. 7\(2\)-\(15\)](#) in force at 30.11.2017 by [S.S.I. 2017/299](#), [reg. 2](#), [sch.](#) (with [reg. 12](#)) (as amended by [S.S.I. 2017/370](#), [regs. 1, 3, 4](#))
- I4** [Sch. 2 para. 7\(16\)\(a\)](#) in force at 30.11.2017 by [S.S.I. 2017/299](#), [reg. 2](#), [sch.](#)
- I5** [Sch. 2 para. 7\(16\)\(b\)](#) in force at 23.12.2016 by [S.S.I. 2016/365](#), [reg. 2](#), [sch.](#) (with [regs. 3-15](#))
- I6** [Sch. 2 para. 7\(17\)-\(28\)](#) in force at 30.11.2017 by [S.S.I. 2017/299](#), [reg. 2](#), [sch.](#) (with [reg. 12](#)) (as amended by [S.S.I. 2017/370](#), [regs. 1, 3, 4](#))
- I7** [Sch. 2 para. 7\(29\)\(30\)\(b\)](#) in force at 23.12.2016 for specified purposes by [S.S.I. 2016/365](#), [reg. 2](#), [sch.](#) (with [regs. 3-15](#))
- I8** [Sch. 2 para. 7\(30\)\(a\)](#) in force at 30.11.2017 by [S.S.I. 2017/299](#), [reg. 2](#), [sch.](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2017/299, regs. 5-14, by [S.S.I. 2017/370](#) reg. 34