



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### PART 1

#### AGRICULTURAL TENANCIES

### CHAPTER 2

#### GENERAL PROVISION AS TO NEW TYPES OF TENANCY

##### *Succession to short limited duration tenancies and limited duration tenancies*

## **22 Right of landlord to object to acquirer of tenancy**

- (1) A person to whom a lease constituting a short limited duration tenancy [<sup>F1</sup>, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy] is transferred under section 16 (provisions relating to leases) of the 1964 Act must give notice of the transfer to the landlord within 21 days of the transfer or (where that is not possible) as soon as practicable thereafter; and the lease is, subject to subsections (2) and (3), binding on the landlord and that person as landlord and tenant respectively as from the date of the transfer if such notice is given.
- [<sup>F2</sup>(2) Sections 12A, 12B and 12C(1), (2) and (5) of the 1991 Act apply in relation to subsection (1) as they do in relation to section 12(1), subject to the following modifications—
- (a) in section 12A—
    - (i) in subsection (2), the reference to notice given under section 12(1) is to be read as a reference to notice given under subsection (1),
    - (ii) in subsections (3)(b) and (c) and (4)(b), for “holding” substitute “land comprised in the lease”,
  - (b) in section 12B(2), the reference to notice given under section 12(1) is to be read as a reference to notice given under subsection (1),
  - (c) in section 12C, in subsection (1), for “holding” substitute “land comprised in the lease”.]

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**Changes to legislation:** *Agricultural Holdings (Scotland) Act 2003, Section 22 is up to date with all changes known to be in force on or before 20 January 2024. 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*

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- (3) Where a lease constituting a short limited duration tenancy [<sup>F3</sup>, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy] is transferred to a person under subsections (4A) and (4B)(b) of section 16 of the 1964 Act, the landlord is entitled to acquire the person's interest in the lease provided that—
- (a) the landlord gives the person notice—
    - (i) in writing; and
    - (ii) within 30 days of the giving of the notice under subsection (1), of the landlord's intention to acquire that interest; and
  - (b) the terms upon which the landlord acquires that interest are no less favourable to the person than any reasonable terms upon which the lease was transferred to the person.

#### Textual Amendments

- F1** Words in s. 22(1) substituted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(11\)\(a\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 12)
- F2** S. 22(2) substituted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 16\(3\)](#) (with s. 128); S.S.I. 2016/365, reg. 2, sch. (with regs. 5-8)
- F3** Words in s. 22(3) substituted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(11\)\(b\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 12)

#### Commencement Information

- I1** S. 22 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\(4\)\(c\)](#)