



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### PART 6

#### RIGHTS OF CERTAIN PERSONS WHERE TENANT IS A PARTNERSHIP

#### **70 Rights of certain persons where tenant is a partnership**

- (1) Subsection (2) applies to—
- (a) a 1991 Act tenancy if the lease constituting the tenancy is entered into on or after the coming into force of this section; and
  - (b) a tenancy under a lease constituting a short limited duration tenancy <sup>[F1]</sup>, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy],
- where the tenant is a partnership.
- (2) Where this subsection applies and—
- (a) any partner is—
    - (i) the landlord or an associate of the landlord; or
    - (ii) a partnership or a company in which the landlord has a relevant interest; and
  - (b) there is any other partner,
- subsections (3) and (4) apply.
- (3) Where this subsection applies, any partner not mentioned in subsection (2)(a) may exercise or enforce any right of a tenant conferred by virtue of this Act or the 1991 Act as if the partner were the tenant in the partner's own right.
- (4) Where this subsection applies, if the tenancy purports to be terminated as a consequence of—
- (a) the dissolution of the partnership—
    - (i) in accordance with the partnership agreement; or
    - (ii) due to the actings of any partner mentioned in subsection (2)(a);
  - (b) the renunciation of the tenancy by such a partner; or
  - (c) a breach of the tenancy by such a partner,
- subsection (5) applies.

*Changes to legislation: Agricultural Holdings (Scotland) Act 2003, Section 70 is up to date with all changes known to be in force on or before 19 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*

- (5) Where this subsection applies, notwithstanding the purported termination of the tenancy—
- (a) the tenancy continues to have effect; and
  - (b) any partner not mentioned in subsection (2)(a) becomes the tenant (or a joint tenant) under the tenancy in the partner's own right,
- if the partner gives notice to the landlord in accordance with subsection (6).
- (6) Notice is given in accordance with this subsection if—
- (a) it is in writing;
  - (b) it is given within 28 days of the purported termination of the tenancy; and
  - (c) it states that the partner intends to become the tenant (or a joint tenant) under the tenancy in the partner's own right.
- (7) For the purposes of this section and section 72, a landlord has a relevant interest in a partnership or company if the landlord or an associate of the landlord is—
- (a) a partner in the partnership;
  - (b) a partner in a partnership which forms part of the partnership;
  - (c) a shareholder in the company; or
  - (d) the holder of a standard security or floating charge over an interest in a tenancy where the partnership or the company is a partner in the tenant.
- (8) For the purposes of this section and section 72, a person is an associate of a landlord if the person is—
- (a) where the landlord is a partnership or a company, a partner in the landlord or, as the case may be, a shareholder of the landlord;
  - (b) where an associate of the landlord is a partnership or a company, a partner in or, as the case may be, a shareholder of that associate;
  - (c) an agent of the landlord or of an associate of the landlord; or
  - (d) a member of the landlord's family.
- (9) The Scottish Ministers may by order modify (either or both) subsections (7) and (8).

#### Textual Amendments

- F1** Words in s. 70(1)(b) substituted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(26\)](#) (with s. 128); [S.S.I. 2017/299](#), reg. 2, sch. (with reg. 12)

#### Commencement Information

- I1** S. 70(1)-(6) (9) in force at 27.11.2003 by [S.S.I. 2003/548](#), [art. 2\(f\)](#) (with Sch.)
- I2** S. 70(7)(8) in force at 22.5.2003 for specified purposes by [S.S.I. 2003/248](#), [art. 2](#)
- I3** S. 70(7)(8) in force at 1.7.2003 for specified purposes by [S.S.I. 2003/305](#), [art. 2](#)
- I4** S. 70(7)(8) in force at 27.11.2003 in so far as not already in force by [S.S.I. 2003/548](#), [art. 2\(f\)](#) (with Sch.)

**Changes to legislation:**

Agricultural Holdings (Scotland) Act 2003, Section 70 is up to date with all changes known to be in force on or before 19 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.

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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\(4\)\(c\)](#)