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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 20 (C. 3)**

**LANDLORD AND TENANT**

**The Land Reform (Scotland) Act 2016 (Commencement  
No. 5 and Transitory Provisions) Regulations 2017**

<i>Made</i>	- - - -	<i>24th January 2017</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>26th January 2017</i>
<i>Coming into force</i>	- -	<i>13th March 2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 130(2) and (4) of the Land Reform (Scotland) Act 2016<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Land Reform (Scotland) Act 2016 (Commencement No. 5 and Transitory Provisions) Regulations 2017 and come into force on 13th March 2017.

(2) In these Regulations “the Act” means the Land Reform (Scotland) Act 2016.

**Appointed day**

2. 13th June 2017 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the schedule (the subject matter of which is described in column 2 of that table).

**Transitory provision: amnesty for certain improvements by tenant**

3. Until the coming into force of section 85 of the Act (modern limited duration tenancies: creation) for all purposes, section 112(1) of the Act (amnesty for certain improvements by tenant) is to be read as if for paragraph (b) there were substituted—

“(b) a tenant—

- (i) under a short limited duration tenancy within the meaning of section 4 of the 2003 Act, or
- (ii) under a limited duration tenancy within the meaning of section 5 of that Act,

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(1) 2016 asp 18.

intends to claim compensation under section 45 of that Act.”.

**Transitory provision: section 45A of the Agricultural Holdings (Scotland) Act 2003**

4. Until the coming into force of section 85 of the Act for all purposes, section 45A of the Agricultural Holdings (Scotland) Act 2003<sup>(2)</sup> (amnesty under the Land Reform (Scotland) Act 2016) is to be read as if for “, a limited duration tenancy or a modern limited duration tenancy” there were substituted “or a limited duration tenancy”.

**Transitory provision: amnesty notice**

5. Until the coming into force of section 85 of the Act for all purposes, section 114(5) of the Act (amnesty notice) is to be read as if for “, limited duration tenancy or modern limited duration tenancy” there were substituted “or limited duration tenancy”.

St Andrew’s House,  
Edinburgh  
24th January 2017

*FERGUS EWING*  
A member of the Scottish Government

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(2) [2003 asp 11](#); section 45A is inserted by section 113(2) of the Land Reform (Scotland) Act 2016. Section 113(2) is commenced by these Regulations.

## SCHEDULE

Regulation 2

## PROVISIONS OF THE ACT COMING INTO FORCE ON 13TH JUNE 2017

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of the Act</i>	<i>Subject-matter</i>
112	Amnesty for certain improvements by tenant
113	Amendment of the Agricultural Holdings (Scotland) Acts
114	Amnesty notice
115	Objection by landlord
116	Referral to Land Court
117	Amnesty agreements
118	Arbitration and other dispute resolution

**EXPLANATORY NOTE***(This note is not part of the Regulations)*

These Regulations make provision in relation to bringing into force particular sections of the Land Reform (Scotland) Act 2016 (“the Act”).

Regulation 2 and the schedule appoint 13th June 2017 for the coming into force of the provisions specified in column 1 of the table in the schedule. The sections of the Act which are being commenced relate to compensation for certain improvements by tenants.

Regulation 3 makes transitory provision so that the reference in section 112(1)(b)(iii) of the Act to a modern limited duration tenancy (“MLDT”) is to be ignored until section 85 of the Act (modern limited duration tenancies: creation) comes into force for all purposes.

Regulation 4 makes transitory provision so that the reference in section 45A of the Agricultural Holdings (Scotland) Act 2003 (inserted by section 113 of the Act) to an MLDT is to be ignored until section 85 of the Act comes into force for all purposes.

Regulation 5 makes transitory provision so that the reference in section 114(5) of the Act to an MLDT is to be ignored until section 85 of the Act comes into force for all purposes.

The Bill for the Act received Royal Assent on 22nd April 2016. Sections 125 to 127, 130 and 131 came into force on 23rd April 2016.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

*(This note is not part of the Regulations)*

The following provisions of the Land Reform (Scotland) Act 2016 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provisions of the 2016 Act</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 1	1st October 2016	S.S.I. 2016/193
Section 2	1st October 2016	S.S.I. 2016/193
Section 3	1st October 2017	S.S.I. 2016/193
Section 4(1) to (5)	1st November 2016	S.S.I. 2016/250
Section 4(6) to (8)	1st April 2017	S.S.I. 2016/250
Section 5	1st November 2016	S.S.I. 2016/250
Section 6	1st April 2017	S.S.I. 2016/250
Section 7	1st November 2016	S.S.I. 2016/250
Section 8	1st April 2017	S.S.I. 2016/250
Section 9	1st April 2017	S.S.I. 2016/250
Section 10	1st November 2016	S.S.I. 2016/250
Section 11	1st November 2016	S.S.I. 2016/250
Section 12(1), (2), (3)(a), (4) and (5)	1st November 2016	S.S.I. 2016/250
Section 12(3)(b) (partially)	1st November 2016	S.S.I. 2016/250
Section 13	1st November 2016	S.S.I. 2016/250
Section 14	1st November 2016	S.S.I. 2016/250
Section 15	1st November 2016	S.S.I. 2016/250
Section 16	1st November 2016	S.S.I. 2016/250
Section 17	1st November 2016	S.S.I. 2016/250
Section 18	1st November 2016	S.S.I. 2016/250
Section 19	1st November 2016	S.S.I. 2016/250
Section 20	1st November 2016	S.S.I. 2016/250
Section 21(1) and (2)	1st November 2016	S.S.I. 2016/250
Section 21(3)	1st April 2017	S.S.I. 2016/250
Section 22(1), (2), (3)(a)(ii) and (iii) and (b), (4) and (5)	1st April 2017	S.S.I. 2016/250
Section 22(3)(a)(i)	1st October 2017	S.S.I. 2016/250
Section 23	1st April 2017	S.S.I. 2016/250
Section 24	1st April 2017	S.S.I. 2016/250
Section 25	1st April 2017	S.S.I. 2016/250

<i>Provisions of the 2016 Act</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 26	1st April 2017	S.S.I. 2016/250
Section 27(1), (2)(a) to (f) and (h) to (i) and (3) to (9)	1st April 2017	S.S.I. 2016/250
Section 28	1st April 2017	S.S.I. 2016/250
Section 29	1st April 2017	S.S.I. 2016/250
Section 30	1st April 2017	S.S.I. 2016/250
Section 31	1st April 2017	S.S.I. 2016/250
Section 32	1st April 2017	S.S.I. 2016/250
Section 33	1st April 2017	S.S.I. 2016/250
Section 34	1st April 2017	S.S.I. 2016/250
Section 35	1st April 2017	S.S.I. 2016/250
Section 36	1st April 2017	S.S.I. 2016/250
Section 37	1st April 2017	S.S.I. 2016/250
Section 38	1st April 2017	S.S.I. 2016/250
Section 44	1st November 2016	S.S.I. 2016/250
Section 74	28th June 2016	S.S.I. 2016/193
Section 75	28th June 2016	S.S.I. 2016/193
Section 76	28th June 2016	S.S.I. 2016/193
Section 77	28th June 2016	S.S.I. 2016/193
Section 78	28th June 2016	S.S.I. 2016/193
Section 79	28th June 2016	S.S.I. 2016/193
Section 80	28th June 2016	S.S.I. 2016/193
Section 81	28th June 2016	S.S.I. 2016/193
Section 82	28th June 2016	S.S.I. 2016/193
Section 83	31st December 2016	S.S.I. 2016/372
Section 84	31st December 2016	S.S.I. 2016/372
Section 85(1) and (3) (partially)	23rd December 2016	S.S.I. 2016/365
Section 89 (partially)	23rd December 2016	S.S.I. 2016/365
Section 92 (partially)	23rd December 2016	S.S.I. 2016/365
Section 98 (partially)	23rd December 2016	S.S.I. 2016/365
Section 100 (partially)	23rd December 2016	S.S.I. 2016/365
Section 101 (partially)	23rd December 2016	S.S.I. 2016/365
Section 102 (partially)	23rd December 2016	S.S.I. 2016/365
Section 103	23rd December 2016	S.S.I. 2016/365
Section 104	23rd December 2016	S.S.I. 2016/365

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<i>Provisions of the 2016 Act</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 107	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 108(2) and (3)(a)(ii) and (b)	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 109	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 110 (partially)	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 111(2) and (4) (partially)	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 119	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 120	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 121	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 122	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 123	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 124	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 129(2) and schedule 2 so far as they relate to paragraph 7(1) of schedule 2 (partially)	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 129(2) and schedule 2 so far as they relate to paragraphs 7(16)(b) and 14 to 19 of schedule 2	23rd December 2016	<a href="#">S.S.I. 2016/365</a>
Section 129(2) and schedule 2 so far as they relate to paragraph 7(29) and (30)(b) of schedule 2 (partially)	23rd December 2016	<a href="#">S.S.I. 2016/365</a>