

## SCHEDULE 2

Regulation 3

### TRANSITORY AND SAVING PROVISIONS

#### **Transitory provision: The Opencast Coal Act 1958**

1. Until the coming into force of section 92 of the 2016 Act (repairing tenancies: creation) for all purposes, section 52(2) of the Opencast Coal Act 1958 has effect as if the reference to “a repairing tenancy” in the definition of “agricultural holding” was omitted.

#### **Transitory provision: The Land Compensation (Scotland) Act 1973**

2. Until the coming into force of section 92 of the 2016 Act for all purposes, the following provisions of the Land Compensation (Scotland) Act 1973 have effect as if references to “a repairing tenancy” were omitted—

- (a) section 31(3)(c)(i); and
- (b) section 80(1).

#### **Transitory provision: The Land Tenure Reform (Scotland) Act 1974**

3. Until the coming into force of section 92 of the 2016 Act for all purposes, section 8(5) of the Land Tenure Reform (Scotland) Act 1974 has effect as if the reference in paragraph (aa) to “a repairing tenancy” was omitted.

#### **Transitory provision: The Matrimonial Homes (Family Protection) (Scotland) Act 1981**

4. Until the coming into force of section 92 of the 2016 Act for all purposes, section 13 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 has effect as if the reference in subsection (8) to “a repairing tenancy” was omitted.

#### **Transitory provision: The Rent (Scotland) Act 1984**

5. Until the coming into force of section 92 of the 2016 Act for all purposes, section 25(1) of the Rent (Scotland) Act 1984 has effect as if the reference to “a repairing tenancy” in paragraph (v) of the definition of “statutorily protected tenancy” was omitted.

#### **Saving provision: The Agriculture Act 1986**

6. The modifications made by paragraph 6 of schedule 1 have no effect in respect of—
- (a) an agreement between a landlord and a tenant under a 1991 Act tenancy to terminate that tenancy, where—
    - (i) that agreement is in accordance with section 2(1)(a) of the 2003 Act<sup>(1)</sup>;
    - (ii) that agreement was made before 30th November 2017; and
    - (iii) the date specified in that agreement as being the date on which the termination is to have effect is on or after 30th November 2017; and
  - (b) a lease constituting a limited duration tenancy entered into in order to comply with section 2(1)(b) of the 2003 Act, which—
    - (i) is for a term of not less than 25 years;

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(1) Section 2(1) of the Agricultural Holdings (Scotland) Act 2003 is repealed by section 90(2) of the Land Reform (Scotland) Act 2016, subject to saving provision in [S.S.I. 2017/299](#).

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- (ii) comprises or includes the same land as that comprised in the 1991 Act tenancy being terminated by an agreement to which paragraph (1)(a) applies; and
- (iii) has effect from the date on which the termination under that agreement has effect.

**Transitory provision: The Housing (Scotland) Act 1988**

7. Until the coming into force of section 92 of the 2016 Act for all purposes, paragraph 6 of schedule 4 of the Housing (Scotland) Act 1988 has effect as if the reference in sub-paragraph (a) to “a repairing tenancy” was omitted.

**Transitory Provision: Modern limited duration tenancies: rent review**

8. Until the coming into force of section 102 of the 2016 Act (limited duration tenancies, modern limited duration tenancies and repairing tenancies: rent review) in respect of modern limited duration tenancies, section 9 of the 2003 Act (review of rent under limited duration tenancies) has effect as if—

- (a) in subsection (A1), after “tenancy” there were inserted “or a modern limited duration tenancy”; and
- (b) in subsection (1), after “tenancy” there were inserted “or a modern limited duration tenancy”.