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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**The Public Services Reform (Agricultural Holdings) (Scotland) Order 2011**

**PART 2**

**AMENDMENT OF THE AGRICULTURAL HOLDINGS (SCOTLAND) ACT 1991**

**2.** The 1991 Act is amended in accordance with articles 3 to 5.

**Substitution of definition of “two-man unit” in Schedule 2**

**3.** In Schedule 2 (grounds for consent to operation of notices to quit a tenancy where section 25(3) applies)—

(a) in Part I (grounds for consent to operation of notice to quit a tenancy let before 1 January 1984) and Part II (grounds for consent to operation of notice to quit a tenancy let on or after 1 January 1984) in Cases 2, 3, 6 and 7, for “two-man unit” substitute “viable unit”;

(b) in Part III (supplementary)—

(i) in paragraph 1, for the definition of “two-man unit” substitute—

““viable unit” means an agricultural unit which in the opinion of the Land Court is capable of providing an individual occupying it with full-time employment and the means to pay—

(a) the rent payable in respect of the unit; and

(b) for adequate maintenance of the unit.”; and

(ii) in paragraph 2, for “two-man unit” substitute “viable unit”.

**Annulment of post lease agreements under section 5**

**4.** For section 5(4B) (fixed equipment and insurance premiums)(1) substitute—

“(4B) This subsection is complied with if—

(a) subject to subsection (4BA), no later than 6 months before the date from which any variation of rent will take effect, the tenant gave written notice to the landlord stating that the agreement is to be nullified on that date;

(b) the rent is reviewed in accordance with the terms of the tenancy or is determined by the Land Court in accordance with section 13 of this Act; and

(c) on the date referred to in paragraph (a)—

(i) the buildings and other fixed equipment are in a reasonable state of repair; or

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(1) Subsection (4B) was inserted by section 60 of the 2003 Act.

(ii) if the buildings and other fixed equipment were in an unreasonable state of repair when the agreement was made, they are not in a worse state of repair than they were then.

(4BA) Where a rent review is initiated less than 6 months before any variation of rent would take effect, subsection (4B)(a) is complied with if notice is given when it is initiated, or as soon as reasonably practicable thereafter.”

### **Amendment of section 13**

5. In section 13(1) (variation of rent)(2), after “Act,” insert, “following notice in writing served on the other party,”.