

SCHEDULE

Article 3

Transitional and Savings Provisions

Lets approved by the Scottish Ministers

1. An approval of a lease of land by the Scottish Ministers under section 2(1) of the 1991 Act which has effect on 27th November 2003 shall continue to have effect until the expiry of that approval as if—

- (a) that section had not been repealed by section 1(3) of the 2003 Act; and
- (b) any other provisions of the 2003 Act which would have effect in relation to that land had not commenced.

Grazing or mowing lets

2.—(1) Any lease of land to which section 2(2)(a) of the 1991 Act applies on 27th November 2003 shall continue to have effect until the expiry of that lease as if—

- (a) that section had not been repealed by section 1(3) of the 2003 Act; and
- (b) section 3 of the 2003 Act and any other provisions of that Act which would have effect in relation to that land had not commenced.

(2) After the expiry of any lease to which paragraph (1) above applies, sections 1(3) and 3 of the 2003 Act shall apply in relation to the land under such a lease, notwithstanding any contract for successive leases of that land which has effect on 27th November 2003.

Interdict against or damages for cropping or disposal of produce

3. Where a landlord has raised proceedings before 27th November 2003 to—

- (a) obtain an interdict restraining the exercise of the right of a tenant to dispose of produce or practise a system of cropping under section 7(1) of the 1991 Act; or
- (b) recover damages under section 7(3)(b) of the 1991 Act,

those proceedings shall continue as if section 62 of the 2003 Act, and any other provisions of the 2003 Act which otherwise would have effect in relation to those proceedings, had not been commenced.

Record of condition, etc., of holding

4. Any record made before 27th November 2003 by a person appointed by the Scottish Ministers under section 8(3) of the 1991 Act shall be deemed to be a record made by such a person notwithstanding the amendment of that section by section 61(1) of the 2003 Act.

Notices to quit and notices of intention to quit

5.—(1) Where a landlord has applied for the consent of the Land Court under section 22 of the 1991 Act before 27th November 2003 that application shall be dealt with by the Land Court as if sections 65, 67(2) and 69 of the 2003 Act, and any other provisions of the 2003 Act which otherwise would have effect in relation to that application, had not been commenced.

(2) Where a tenant has served a notice of intention to quit under section 21(1) of the 1991 Act before 27th November 2003, that notice shall have effect in relation to the termination of the tenancy of that tenant as if section 67(2) of the 2003 Act and any other provisions of the 2003 Act which

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otherwise would have effect in relation to the termination of that tenancy by virtue of that notice of intention to quit did not apply.

Compensation claims

6.—(1) Where a 1991 Act tenancy (within the meaning of the 2003 Act) has terminated before 27th November 2003, the provisions of the 2003 Act which would affect a claim for compensation on termination of that tenancy under Part IV or V of the 1991 Act shall not apply to such a claim.

(2) Where an entitlement to compensation has arisen under section 52(1) of the 1991 Act before 27th November 2003, notice in writing, together with the particulars, of that claim may be given by the tenant for the purposes of section 52(2)(b) of the 1991 Act as if that paragraph had not been amended by section 50(2) of the 2003 Act.

Ongoing arbitrations

7.—(1) Any question or difference arising between the landlord and tenant of an agricultural holding under section 60 of the 1991 Act in relation to which under paragraph 1 of Schedule 7 to the 1991 Act—

- (a) an arbiter has been appointed but no award has been made by 27th November 2003; or
- (b) an application by either party in writing for the purposes of that paragraph has been received by the Scottish Ministers before that date,

shall continue to be determined as if the provisions of the 2003 Act had not been commenced in relation to that question or difference.

(2) The repeal of section 63 of the 1991 Act by paragraph 35 of the Schedule to the 2003 Act shall not have effect for the purposes of the determination of any question or difference to which sub-paragraph (1) above applies.

Sheep Stock valuations

8. Any sheep stock valuation (within the meaning of section 68(1) of the 1991 Act) commenced before 27th November 2003, any question of law arising from such a valuation, or any determination by the Land Court of questions which fall to be decided by sheep stock valuation, which have not been determined, shall be determined as if paragraphs 37 to 40 of the Schedule to the 2003 Act and any other provisions of the 2003 Act which would have effect in relation to that determination had not been commenced.