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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 389**

**LAND REFORM**

**LANDLORD AND TENANT**

**The Land Reform (Scotland) Act 2016 (Consequential and Saving Provisions) Amendment Regulations 2016**

*Made* - - - - 23rd November 2016

*Laid before the Scottish Parliament* 24th November 2016

*Coming into force* - - 23rd December 2016

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 127(1) of the Land Reform (Scotland) Act 2016(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Land Reform (Scotland) Act 2016 (Consequential and Saving Provisions) Amendment Regulations 2016 and come into force on 23rd December 2016.

**Amendment of the Land Reform (Scotland) Act 2016 (Consequential and Saving Provisions) Regulations 2016**

2.—(1) The Land Reform (Scotland) Act 2016 (Consequential and Saving Provisions) Regulations 2016(b) are amended as follows.

(2) For regulation 3 substitute—

**“Saving**

3.—(1) The modification made by regulation 2 has no effect in relation to—

- (a) a lease of an agricultural holding which is bequeathed in accordance with section 11 of the 1991 Act (bequest of lease), where the will or other testamentary writing containing the bequest was made before 23rd December 2016;
- (b) a relevant lease which is bequeathed in accordance with section 21 of the 2003 Act (bequest of lease), where the will or other testamentary writing containing the bequest was made before 23rd December 2016.

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(a) 2016 asp 18.  
(b) S.S.I. 2016/366.

(2) The modification made by regulation 2 has no effect in relation to an interest of a tenant under a lease of an agricultural holding where—

- (a) that interest is comprised in the estate of a deceased person;
- (b) that person died before 23rd December 2016; and
- (c) at the time of that person's death, that person had made no will or other testamentary writing containing a bequest of that lease.

(3) The modification made by regulation 2 has no effect in relation to an interest of a tenant under a relevant lease where—

- (a) that interest is comprised in the estate of a deceased person;
- (b) that person died before 23rd December 2016; and
- (c) at the time of that person's death, that person had made no will or other testamentary writing containing a bequest of that lease.”.

*FERGUS EWING*

A member of the Scottish Government

St Andrew's House,  
Edinburgh  
23rd November 2016

## **EXPLANATORY NOTE**

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

These Regulations make corrections to the saving provision of the Land Reform (Scotland) Act 2016 (Consequential and Saving Provisions) Regulations 2016 (“the principal Regulations”).

Regulation 2(2) substitutes a new regulation 3 (saving) for regulation 3 of the principal Regulations.

The effect of the amendment made by these Regulations is to clarify the application of the saving provision contained in regulation 3 of the principal Regulations in circumstances where the estate of a deceased person contains more than one lease of an agricultural holding or relevant lease.

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