

SCHEDULE 1

Regulation 6

CONSEQUENTIAL MODIFICATIONS

The Rural Stewardship Scheme (Scotland) Regulations 2001

- 1.—(1) The Rural Stewardship Scheme (Scotland) Regulations 2001⁽¹⁾ are modified as follows.
- (2) In regulation 2(1) (interpretation)⁽²⁾—
- (a) in paragraph (b) of the definition of “landlord”, for “or short limited duration tenancy” substitute “, short limited duration tenancy, modern limited duration tenancy or repairing tenancy”; and
 - (b) in paragraph (b) of the definition of “tenant”, for “or short limited duration tenancy” substitute “, short limited duration tenancy, modern limited duration tenancy or repairing tenancy”.

The Organic Aid (Scotland) Regulations 2004

- 2.—(1) The Organic Aid (Scotland) Regulations 2004⁽³⁾ are modified as follows.
- (2) In regulation 2(1) (interpretation)⁽⁴⁾—
- (a) in paragraph (b) of the definition of “landlord”, for “or short limited duration tenancy” substitute “, short limited duration tenancy, modern limited duration tenancy or repairing tenancy”; and
 - (b) in paragraph (b) of the definition of “tenant”, for “or short limited duration tenancy” substitute “, short limited duration tenancy, modern limited duration tenancy or repairing tenancy”.
- (3) In regulation 16(8) (change of occupation), for sub-paragraph (b) substitute—
- “(b) the death of the former occupier, where that former occupier occupied that farm or part as a tenant, and following the death of that former occupier—
- (i) the tenancy or lease under which the former occupier occupied that farm or part was the subject of a bequest which was declared null and void under section 12A(6)(a) or 12B(2)(a) of the 1991 Act or section 21(2) of the 2003 Act; or
 - (ii) the tenancy or lease under which the former occupier occupied that farm or part was terminated under section 12A(6)(b) or 12B(2)(b) of the 1991 Act or section 22(2) of the 2003 Act;”.

The Land Management Contracts (Menu Scheme) (Scotland) Regulations 2005

- 3.—(1) The Land Management Contracts (Menu Scheme) (Scotland) Regulations 2005⁽⁵⁾ are modified as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) in paragraph (b) of the definition of “landlord”, for “or short limited duration tenancy” substitute “, short limited duration tenancy, modern limited duration tenancy or repairing tenancy”; and

(1) [S.S.I. 2001/300](#).

(2) Regulation 2(1) was relevantly amended by [S.S.I. 2005/620](#).

(3) [S.S.I. 2004/143](#).

(4) Regulation 2(1) was relevantly amended by [S.S.I. 2005/619](#).

(5) [S.S.I. 2005/225](#) to which there are amendments not relevant to these Regulations.

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

- (b) in paragraph (b) of the definition of “tenant”, for “or short limited duration tenancy” substitute “, short limited duration tenancy, modern limited duration tenancy or repairing tenancy”.

The Scheduled Monument Consent Procedure (Scotland) Regulations 2015

4.—(1) The Scheduled Monument Consent Procedure (Scotland) Regulations 2015⁽⁶⁾ are modified as follows.

(2) In regulation 5(4) (certificates and notices), in paragraph (b) of the definition of “agricultural tenant”, for “or a limited duration tenancy” substitute “, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy”.

SCHEDULE 2

Regulation 7

TRANSITORY AND SAVING PROVISIONS

Interpretation of schedule 2

1. In this schedule—

- “1991 Act tenancy” has the same meaning as in section 93 of the 2003 Act (interpretation);
- “limited duration tenancy” has the same meaning as in section 93 of the 2003 Act⁽⁷⁾;
- “relevant lease” means a lease constituting a limited duration tenancy or a lease constituting a short limited duration tenancy; and
- “short limited duration tenancy” has the same meaning as in section 93 of the 2003 Act.

Transitory provision: The Rural Stewardship Scheme (Scotland) Regulations 2001

2. Until the coming into force of section 92 of the 2016 Act (repairing tenancies: creation) for all purposes, regulation 2(1) of the Rural Stewardship (Scotland) Regulations 2001 has effect as if the references to “repairing tenancy” in the definitions of “landlord” and “tenant” were omitted.

Transitory provision: The Organic Aid (Scotland) Regulations 2004

3. Until the coming into force of section 92 of the 2016 Act for all purposes, regulation 2(1) of the Organic Aid (Scotland) Regulations 2004 has effect as if the references to “repairing tenancy” in the definitions of “landlord” and “tenant” were omitted.

Saving provisions: The Organic Aid (Scotland) Regulations 2004

- 4.—(1) The modification made by paragraph 2(3) of schedule 1 has no effect in relation to—
- (a) a lease constituting a 1991 Act tenancy 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.

⁽⁶⁾ [S.S.I. 2015/229](#).

⁽⁷⁾ The definition of “limited duration tenancy” in section 93 of the Agricultural Holdings (Scotland) Act 2003 was substituted by paragraph 7(30)(a) of schedule 2 of the Land Reform (Scotland) Act 2016. That paragraph is commenced by [S.S.I. 2017/299](#).

(2) The modification made by paragraph 2(3) of schedule 1 has no effect in relation to an interest of a tenant under a lease constituting a 1991 Act tenancy 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 paragraph 2(3) of schedule 1 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.

Transitory provision: The Land Management Contracts (Menu Scheme) (Scotland) Regulations 2005

5. Until the coming into force of section 92 of the 2016 Act for all purposes, regulation 2(1) of the Land Management Contracts (Menu Scheme) (Scotland) Regulations 2005 has effect as if the references to “repairing tenancy” in the definitions of “landlord” and “tenant” were omitted.

Transitory provision: The Scheduled Monument Consent Procedure (Scotland) Regulations 2015

6. Until the coming into force of section 92 of the 2016 Act for all purposes, regulation 5(4) of the Scheduled Monument Consent Procedure (Scotland) Regulations 2015 has effect as if the reference to “a repairing tenancy” in paragraph (b) of the definition of “agricultural tenant” was omitted.