



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 1

AGRICULTURAL TENANCIES

CHAPTER 1

TYPES OF TENANCY

New types of tenancy

4 Short limited duration tenancies

- (1) Where—
- (a) agricultural land is let under a lease for a term of not more than five years;
 - (b) the land comprised in the lease is not let to the tenant during the tenant's continuance in any office, appointment or employment held under the landlord; and
 - (c) the lease does not constitute—
 - (i) a 1991 Act tenancy; or
 - (ii) a tenancy to which section 3 applies,the tenancy under the lease is, by virtue of this subsection, a short limited duration tenancy.
- (2) Without prejudice to subsection (1), where the tenant remains in occupation of the land after the expiry of the term of a tenancy to which section 3 applies with the consent of the landlord, the tenancy continues to have effect as if it were for a term of—
- (a) 5 years; or
 - (b) such period of less than 5 years as the landlord and tenant may agree to, and the tenancy is, by virtue of this subsection, a short limited duration tenancy.
- (3) Where the tenant remains in occupation of the land after the expiry of the term of a short limited duration tenancy of less than 5 years (including such a term fixed by

virtue of subsection (2)) with the consent of the landlord, the tenancy continues to have effect as if it were for a term of—

- (a) 5 years; or
- (b) such period of less than 5 years as the landlord and tenant may agree to.

- (4) This subsection applies to a short limited duration tenancy where—
- (a) the term of the tenancy has expired and the tenant has not remained in occupation of the land; or
 - (b) during the term of the tenancy, the landlord and tenant have terminated the tenancy by agreement.
- (5) Where the landlord and tenant enter into a lease constituting a further short limited duration tenancy which—
- (a) comprises the same land as that comprised in the tenancy to which subsection (4) applies; and
 - (b) has effect less than one year from the expiry of the term of, or termination of, that tenancy,
- the expired period of the term of that tenancy counts as an expired period of the term of the further tenancy; but this is subject to subsection (3) of section 5.

5 Limited duration tenancies

- (1) Where—
- (a) agricultural land is let under a lease for a term of not less than fifteen years;
 - (b) the land comprised in the lease is not let to the tenant during the tenant's continuance in any office, appointment or employment held under the landlord; and
 - (c) the lease does not constitute a 1991 Act tenancy,
- the tenancy under the lease is, by virtue of this subsection, a limited duration tenancy.
- (2) Where the tenant remains in occupation of the land after the expiry of the term of a short limited duration tenancy of 5 years (including such a term fixed by virtue of section 4(2) or (3)) with the consent of the landlord, the tenancy has effect as if it were for a term of 15 years commencing on the expiry of the term of the short limited duration tenancy; and the tenancy is, by virtue of this subsection, a limited duration tenancy.
- (3) Where subsection (5) of section 4 results in a short limited duration tenancy purporting to be for a term of more than 5 years, the tenancy has effect as if it were for a term of 15 years; and the tenancy is, by virtue of this subsection, a limited duration tenancy.
- (4) Without prejudice to subsections (2) and (3), where a lease constituting a tenancy of agricultural land, as described in paragraphs (b) and (c) of subsection (1), purports to be for a term of more than 5 years and less than 15 years, the tenancy has effect as if it were for a term of 15 years; and the tenancy is, by virtue of this subsection, a limited duration tenancy.