



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### PART 1

#### AGRICULTURAL TENANCIES

### CHAPTER 1

#### TYPES OF TENANCY

##### *Tenancies under the 1991 Act*

## **1 Application of the 1991 Act to agricultural holdings**

- (1) This subsection applies where—
  - (a) a lease is entered into on or after the coming into force of this subsection; and
  - (b) the tenancy under the lease is a tenancy of an agricultural holding in relation to which the Agricultural Holdings (Scotland) Act 1991 (c. 55) (in this Act referred to as “the 1991 Act”) would have applied had the lease been entered into immediately before the coming into force of this subsection.
- (2) Where subsection (1) applies, the 1991 Act does not apply in relation to the tenancy (except in so far as this Act applies any provision of that Act to short limited duration tenancies or limited duration tenancies) unless the lease—
  - (a) is entered into in writing prior to the commencement of; and
  - (b) expressly states that the 1991 Act is to apply in relation to, the tenancy.
- (3) Section 2 (leases for less than year to year) of the 1991 Act is repealed.
- (4) Where, in respect of a tenancy of an agricultural holding—
  - (a) the lease is entered into before the coming into force of this subsection and the 1991 Act applies in relation to the tenancy; or
  - (b) the lease is entered into on or after the coming into force of this subsection and (by virtue of the conditions mentioned in paragraphs (a) and (b) of subsection (2) being fulfilled) the 1991 Act applies in relation to the tenancy,

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*Status: This is the original version (as it was originally enacted).*

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the tenancy under the lease is in this Act referred to as a “1991 Act tenancy”.