



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 1

AGRICULTURAL TENANCIES

CHAPTER 2

GENERAL PROVISION AS TO NEW TYPES OF TENANCY

[^{F1}New types of tenancy: general provision]

13 Written leases and the revision of certain leases

(1) Where, in respect of a short limited duration tenancy^[F1], a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy] —

- (a) there is not in force a lease in writing; or
- (b) there is in force a lease in writing but—
 - (i) the lease does not contain provision for the matters mentioned in subsection (2)(a) or contains provision inconsistent with those matters; or
 - (ii) the lease contains provision inconsistent with section 16 (as read with section 5(2) to (4) of the 1991 Act)^[F2], section 16A or, as the case may be, section 16B],

the landlord or tenant may give notice in writing to the other requesting that a lease in writing be entered into containing the matters mentioned in subsection (2).

(2) Those matters are, as the case may be—

- (a) provision for all the matters specified in Schedule 1 to the 1991 Act (that Schedule applying for the purposes of this section as it does for the purposes of that Act) or provision consistent with those matters; or
- (b) provision consistent with section 16^[F3], 16A or, as the case may be, 16B].

Changes to legislation: Agricultural Holdings (Scotland) Act 2003, Section 13 is up to date with all changes known to be in force on or before 27 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) If, within the period of 6 months after notice has been given under subsection (1), no such lease has been concluded, the terms of the lease may be determined by the Land Court.
- (4) In such a determination, the Land Court—
- (a) is to specify the terms of the existing tenancy and, in so far as those terms do not make provision for the matters mentioned in subsection (2)(a) or make provision inconsistent with those matters or with section 16 (as read with section 5(2) to (4) of the 1991 Act)^{F4}, section 16A or, as the case may be, section 16B,] make such provision for those matters as appears to it to be reasonable; and
 - (b) may specify any further term of the tenancy which is—
 - (i) agreed between the landlord and the tenant; and
 - (ii) not inconsistent with any provision applying to the tenancy by virtue of this Act.
- (5) Any determination of the Land Court by virtue of this section or section 16^{F5}, 16A or, as the case may be, 16B] has effect as if—
- (a) the terms and provisions specified or made therein were contained in an agreement in writing between the landlord and the tenant; and
 - (b) such agreement had effect as from the date of the determination or from such later date as the determination may appoint.
- (6) If it appears to the Land Court that on the date of the determination the landlord or tenant would be in breach of any term of the tenancy so specified or made, the Court is to appoint such later date as would allow the landlord or, as the case may be, tenant to remedy the breach.

Textual Amendments

- F1** Words in s. 13(1) substituted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(6\)\(a\)\(i\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 12)
- F2** Words in s. 13(1)(b)(ii) inserted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(6\)\(a\)\(ii\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 12)
- F3** Words in s. 13(2)(b) inserted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(6\)\(b\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch.
- F4** Words in s. 13(4)(a) inserted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(6\)\(c\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch.
- F5** Words in s. 13(5) inserted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 7\(6\)\(d\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch.

Commencement Information

- I1** S. 13 in force at 27.11.2003 by [S.S.I. 2003/548](#), [art. 2\(a\)](#) (with Sch.)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7C inserted by [2016 asp 18 s. 93\(2\)](#)
- s. 7D inserted by [2016 asp 18 s. 106\(2\)](#)
- s. 8F8G inserted by [2016 asp 18 s. 94\(2\)](#)
- s. 16B inserted by [2016 asp 18 s. 95\(2\)](#)
- s. 17A inserted by [2016 asp 18 s. 96\(2\)](#)
- s. 18B inserted by [2016 asp 18 s. 97\(2\)](#)
- s. 26(1)(1A) substituted for s. 26(1) by [2016 asp 18 s. 99\(4\)\(a\)](#)
- s. 26(3) inserted by [2016 asp 18 s. 99\(4\)\(c\)](#)