Land Reform (Scotland) Act 2016 asp 18
SCHEDULE 2 – AGRICULTURAL HOLDINGS: MINOR AND CONSEQUENTIAL MODIFICATIONS
Document Generated: 2023-05-25

1

Status: *This is the original version (as it was originally enacted).*

SCHEDULE 2
AGRICULTURAL HOLDINGS: MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 4

ASSIGNATION AND SUCCESSION

Succession (Scotland) Act 1964

14   (1) The Succession (Scotland) Act 1964 is amended as follows.

(2) In section 16 (provisions relating to leases)—
   (a)   in subsection (2)(c), for "section 11" substitute "section 12A or 12B",
   (b)   in subsection (2A)(b), after "other than" insert "the lease of a 1991 Act tenancy or",
   (c)   in subsection (3)(b)(i)—
         (i) for "or an application to that court under section 11 of the 1991 Act" substitute ", an application under section 12A of the 1991 Act or an appeal under section 12B of that Act to that court",
         (ii) for "or, as the case may be, the application" substitute ", the application or, as the case may be, the appeal",
   (d)   in subsection (8), for ", or, as the case may be, section 11(2) to (8) of the 1991 Act, or, as the case may be," substitute ", sections 11(8), 12A and 12B of the 1991 Act,".

(3) In section 29 (right of tenant to bequeath interest under lease), in subsection (2), for "section 11" substitute "sections 11 or 12A to 12C".

1991 Act

15   (1) The 1991 Act is amended as follows.

(2) In section 22 (restrictions on operation of notices to quit)—
   (a)   in subsection (1), "and to section 25 of this Act" is repealed,
   (b)   in subsection (2), paragraph (g) is repealed.

(3) In section 24 (consents for the purposes of section 22)—
   (a)   in subsection (1), "and to section 25(3) of this Act" is repealed,
   (b)   in subsection (3), "(subject to section 25(4) of this Act)" is repealed.

(4) In section 55 (additional payments to tenants quitting holdings: supplementary provision)—
   (a)   in subsection (1), paragraph (c) is repealed,
   (b)   in subsection (2), in paragraph (b), "or, where the tenant has succeeded to the tenancy as the near relative of a deceased tenant, as to the matter referred to in any of Cases 1, 3, 5 and 7 in Schedule 2 to this Act" is repealed,
   (c)   in subsection (6)—
         (i) for "by virtue of a notice to quit" substitute "under section 12B",
         (ii) paragraph (a) is repealed,
         (iii) in paragraph (c), for "notice" substitute "counter-notice under section 12B(2)".

(5) Schedule 2 (grounds for consent to operation of notices to quit a tenancy where section 25(3) applies) is repealed.

2003 Act

16   (1) The 2003 Act is amended as follows.

    (2) In section 21 (bequest of lease), for subsection (2) substitute—

        "(2) Sections 11(2) and (3), 12A, 12B and 12C(1) and (2) of the 1991 Act apply in relation to subsection (1) as they do in relation to section 11(1), subject to the following modifications—

          (a)   in section 11(2), the words "of a holding" and "of the holding" are omitted,

          (b)   in section 12A, in subsections (3)(b) and (c) and (4)(b), for "holding" substitute "land comprised in the lease",

          (c)   in section 12C, in subsection (1), for "holding" substitute "land comprised in the lease".".

    (3) In section 22 (right of landlord to object to acquirer of tenancy), for subsection (2) substitute—

        "(2) Sections 12A, 12B and 12C(1), (2) and (5) of the 1991 Act apply in relation to subsection (1) as they do in relation to section 12(1), subject to the following modifications—

          (a)   in section 12A—

              (i) in subsection (2), the reference to notice given under section 12(1) is to be read as a reference to notice given under subsection (1),

              (ii) in subsections (3)(b) and (c) and (4)(b), for "holding" substitute "land comprised in the lease",

          (b)   in section 12B(2), the reference to notice given under section 12(1) is to be read as a reference to notice given under subsection (1),

          (c)   in section 12C, in subsection (1), for "holding" substitute "land comprised in the lease".".

Agricultural Holdings (Amendment) (Scotland) Act 2012

17   (1) The Agricultural Holdings (Amendment) (Scotland) Act 2012 is amended as follows.

    (2) Section 1 (succession by near relatives) is repealed.