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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2014 No.**

**The Agricultural Holdings (Scotland)  
Act 2003 Remedial Order 2014**

*Amendment of the Agricultural Holdings (Scotland) Act 2003*

**2 Amendment of the Agricultural Holdings (Scotland) Act 2003**

2.—(1) The Agricultural Holdings (Scotland) Act 2003 ([asp 11](#)) (“the 2003 Act”) is amended as follows.

- (2) In section 72 (rights of certain persons where tenant is a limited partnership)—
- (a) in subsection (2), the words “unless the conditions mentioned in subsection (5) are met” are repealed;
  - (b) in subsection (3), in the closing words, the words “subject to subsection (4)” are repealed;
  - (c) subsections (4), (5) and (7) to (11) are repealed.
- (3) After section 72, insert—

**“72A Application of section 73**

(1) Section 73 applies to a tenancy continuing to have effect by virtue of section 72(6) unless the tenancy is a relevant tenancy.

(2) If—

- (a) the tenancy is a relevant tenancy,
  - (b) the circumstances described in subsection (3) do not apply, and
  - (c) the landlord gives an application notice to the tenant within the intimation period,
- section 73 applies to the tenancy from the date on which the application notice is given.

(3) The circumstances are that—

- (a) the landlord purchased the landlord’s interest in the tenancy at a time when it was no longer possible for an order under section 72(8) to be made in respect of the tenancy, or
- (b) the landlord acquired (by any means) the landlord’s interest in the tenancy from—
  - (i) the landlord who purchased that interest in the circumstances described in paragraph (a), or
  - (ii) a successor of such a landlord.

(4) In this section—

“application notice” means a notice, in writing, intimating that the landlord may bring the tenancy to an end in accordance with section 73,

“the intimation period” means the period of 12 months beginning on 28th November 2014,

“relevant tenancy” means a tenancy continuing to have effect by virtue of section 72(6) where—

- (a) the action taken by a limited partner in consequence of which the tenancy was purportedly terminated (being an action described in section 72(3)(a) to (c)) occurred before 1st July 2003,
- (b) notice was given to the landlord under section 72(6) before the coming into force of this section, and
- (c) there is no ongoing application for an order under section 72(8) in respect of the tenancy;

“successor” includes the executor, assignee, legatee, disponee, guardian, legal representative (within the meaning of Part I of the Children (Scotland) Act 1995) or (in relation to a sequestration) trustee or interim trustee, of a landlord.

(5) For the purposes of this section, a reference to an ongoing application for an order under section 72(8) is a reference to an application made to the Land Court under section 72(7) before the coming into force of this section and which, at that time—

- (a) has not been finally determined by the Land Court, or
- (b) is subject to an appeal from that Court which has not been finally determined.”.