
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

The Agricultural Holdings (Relinquishment and Assignment) (Application to Relevant Partnerships) (Scotland) Regulations 2021

PART 2

Application of Part 3A of the 1991 Act to relevant partnerships

Relevant partnerships

2.—(1) This regulation applies where the tenant of an agricultural holding to which section 32A(2) of the 1991 Act applies is a relevant partnership.

(2) A relevant partnership is a limited partnership in which a limited partner is—

- (a) the landlord,
- (b) an associate of the landlord, or
- (c) a partnership or company in which the landlord has a relevant interest.

(3) For the purposes of paragraph (2)(c), a landlord has a relevant interest in a partnership or company if the landlord or an associate of the landlord is—

- (a) a partner in the partnership,
- (b) a partner in a partnership which forms part of the partnership,
- (c) a shareholder in the company, or
- (d) the holder of a standard security or floating charge over an interest in the tenancy where the partnership or company is a partner in the tenant.

(4) For the purposes of this regulation, a person is an associate of a landlord if the person is—

- (a) where the landlord is a partnership or a company, a partner in the landlord or, as the case may be, a shareholder in the landlord,
- (b) where an associate of the landlord is a partnership or a company, a partner in or, as the case may be, a shareholder in that associate,
- (c) an agent of the landlord or of an associate of the landlord, or
- (d) a member of the landlord's family.

(5) Section 71 of the 2003 Act applies for the purposes of paragraph (4)(d) as it applies for the purposes of section 70(8)(d) of that Act.

Modifications where tenant is a relevant partnership

3. Where regulation 2 applies, Part 3A of the 1991 Act has effect as if the following were omitted—

- (a) in section 32A(1), the words “or, failing which, assign the lease to an individual who is a new entrant to, or who is progressing, in farming”,
- (b) in section 32F(3), paragraph (b),
- (c) section 32U,
- (d) in section 32W, the definitions of “new entrant to farming” and “person progressing in farming”.