

Scottish Statutory Instrument 2003 No. 294

The Agricultural Holdings (Relevant Date and Relevant Period) (Scotland) Order 2003

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SCOTTISH STATUTORY INSTRUMENTS

2003 No. 294

LANDLORD AND TENANT

The Agricultural Holdings (Relevant Date and Relevant Period) (Scotland) Order 2003

Made

4th June 2003

*Laid before the Scottish
Parliament*

6th June 2003

Coming into force on

30th June 2003

The Scottish Ministers, in exercise of the powers conferred by sections 72(11) and 91(2) of the Agricultural Holdings (Scotland) Act 2003(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1. - (1) This Order may be cited as the Agricultural Holdings (Relevant Date and Relevant Period) (Scotland) Order 2003 and shall come into force on 30th June 2003.

(2) In this Order, "the Act" means the Agricultural Holdings (Scotland) Act 2003.

Relevant date

2. For the purposes of section 72(7) and (10) of the Act, the relevant date shall be 1st July 2003.

Relevant period

3. For the purposes of section 72(7) of the Act, the date on which the relevant period ends shall be 29th July 2003 or the date 28 days after a general partner has given notice under section 72(6) of the Act (whichever is the later).

ROSS FINNIE

A member of the Scottish Executive

St. Andrew's House, Edinburgh

4th June 2003

EXPLANATORY NOTE

(This note is not part of the Order)

This Order sets the relevant date and the length of the relevant period for the purposes of Part 6 of the Agricultural Holdings (Scotland) Act 2003 ("the Act").

From the relevant date, a landlord of an agricultural holding under the Agricultural Holdings (Scotland) Act 1991 (c. 55) may apply to the Scottish Land Court for an order that section 72(6) of the Act does not apply to continue a tenancy tenanted by a limited partnership under the Limited Partnerships Act 1907 (c. 24) following an act of the limited partner purporting to terminate that tenancy (article 2). This also has the effect that the restrictions which will apply in respect of any such act of the limited partner after the relevant date will be those specified under section 73 rather than under section 72 of the Act. The relevant date specified is 1st July 2003.

The Order also sets the relevant period for the purposes of section 72(7) of the Act, after which the landlord loses this right to apply to the Scottish Land Court (article 3). The date specified as the end of this period is 29th July 2003 or the date 28 days after the service of a valid notice by a general partner under section 72(6) stating that the general partner intends to become the tenant under the tenancy in the partner's own right (whichever is the later).

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