

*Draft Order laid before the Scottish Parliament under section 13(2) of the Convention Rights (Compliance) (Scotland) Act 2001 for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2014 No.**

**LANDLORD AND TENANT**

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

*Made* - - - -

*Coming into force* - -

The Scottish Ministers make the following remedial Order in exercise of the powers conferred by section 12(1) and (3) of the Convention Rights (Compliance) (Scotland) Act 2001<sup>(1)</sup> (“the 2001 Act”) and all other powers enabling them to do so.

The Scottish Ministers consider the provision made by this Order to be necessary or expedient in consequence of section 72(10) of the Agricultural Holdings (Scotland) Act 2003<sup>(2)</sup> being incompatible with a Convention right<sup>(3)</sup>.

In accordance with section 12(2) of the 2001 Act the Scottish Ministers are of the opinion that there are compelling reasons for making a remedial order as distinct from taking any other action.

In accordance with section 13(3) of the 2001 Act the Scottish Ministers laid before Parliament a copy of the proposed draft Order, together with a statement of their reasons for proposing to make the Order, gave such public notice of the proposed draft Order as they considered appropriate, invited observations on it and had regard to observations submitted.

In accordance with section 13(4) of the 2001 Act the Scottish Ministers laid before Parliament a statement summarising all the observations to which they had regard under section 13(3)(c) and specifying the changes which they made in the draft Order and the reasons for them.

In accordance with section 13(2) of the 2001 Act a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

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(1) 2001 asp 7.

(2) 2003 asp 11.

(3) The “Convention rights” has the meaning given by section 1 of the Human Rights Act 1998 (c.42). In the case of *Salvesen v Riddell* [2013] UKSC 22, judgement 24th April 2013, the Supreme Court found that section 72(10) was outside the legislative competence of the Scottish Parliament and made an order under section 102(2)(b) of the Scotland Act 1998 suspending the effect of the finding for 12 months or such shorter period as may be required for the defect to be corrected and for that correction to take effect.