

SCHEDULE 1

Regulation 2

CONSEQUENTIAL MODIFICATIONS AND SUPPLEMENTARY PROVISION

The Opencast Coal Act 1958

- 1.—(1) The Opencast Coal Act 1958⁽¹⁾ is modified as follows.
- (2) In section 24(10) (tenant’s right to compensation for improvements and other matters)⁽²⁾—
 - (a) in paragraph (a)(ii), for “or a limited duration tenancy” substitute “, a limited duration tenancy or a modern limited duration tenancy”; and
 - (b) in paragraph (b)(ii), for “or a limited duration tenancy” substitute “, a limited duration tenancy or a modern limited duration tenancy”.
- (3) In section 52(2) (general application to Scotland)⁽³⁾, in the definition of “agricultural holding”, for “or a limited duration tenancy” substitute “a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy”.

The Land Compensation (Scotland) Act 1973

- 2.—(1) The Land Compensation (Scotland) Act 1973⁽⁴⁾ is modified as follows.
- (2) In section 31(3)(c) (right to farm loss payment where person displaced from agricultural unit)⁽⁵⁾, in sub-paragraph (i) for “or a limited duration tenancy” substitute “, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy”.
- (3) In section 80(1) (general interpretation)⁽⁶⁾, in the definition of “agricultural holding”, for “or a limited duration tenancy” substitute “, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy”.

The Land Tenure Reform (Scotland) Act 1974

- 3.—(1) The Land Tenure Reform (Scotland) Act 1974⁽⁷⁾ is modified as follows.
- (2) In section 8(5) (property let under future long lease, etc. not to be used as private dwelling-house)⁽⁸⁾, in paragraph (aa), for “or a limited duration tenancy” substitute “, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy”.

The Matrimonial Homes (Family Protection) (Scotland) Act 1981

- 4.—(1) The Matrimonial Homes (Family Protection) (Scotland) Act 1981⁽⁹⁾ is modified as follows.
- (2) In section 13(8) (transfer of tenancy)⁽¹⁰⁾, in the definition of “agricultural lease”, for “or a short limited duration tenancy” substitute “, a short limited duration tenancy, a modern limited duration tenancy or a repairing tenancy”.

(1) 1958 c.69.

(2) Section 24(10) was amended by paragraph 15(3) of schedule 1 of the Agricultural Tenancies Act 1995 (c.8) and by S.S.I. 2003/583.

(3) The definition of “agricultural holding” in section 52(2) was substituted by S.S.I. 2003/583.

(4) 1973 c.56.

(5) Section 31(3)(c) was substituted by S.S.I. 2003/583.

(6) Section 80(1) was relevantly amended by S.S.I. 2003/583.

(7) 1974 c.38.

(8) Section 8(5) was amended by paragraph 4 of the schedule of the Agricultural Holdings (Scotland) Act 2003 (“the 2003 Act”).

(9) 1981 c.59.

(10) Section 13(8) was relevantly amended by paragraph 5(b) of the schedule of the 2003 Act.

The Rent (Scotland) Act 1984

- 5.—(1) The Rent (Scotland) Act 1984(11) is modified as follows.
- (2) In section 25(1) (interpretation)(12) in the definition of “statutorily protected tenancy”—
- (a) in paragraph (iv), omit “, or a limited duration tenancy (within the meaning of the Agricultural Holdings (Scotland) Act 2003 (asp 11))”; and
 - (b) after paragraph (iv) insert—
 - “(v) the Agricultural Holdings (Scotland) Act 2003 (that is a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy).”.

The Agriculture Act 1986

- 6.—(1) The Agriculture Act 1986(13) is modified as follows.
- (2) In paragraph 2(2) of schedule 2 (tenant’s right to compensation)(14), in the definition of “termination of the lease”—
- (a) for “section 2(1)” substitute “2A(1)”; and
 - (b) after “to” insert “modern”.

The Housing (Scotland) Act 1988

- 7.—(1) The Housing (Scotland) Act 1988(15) is modified as follows.
- (2) In paragraph 6 of schedule 4 (tenancies of agricultural holdings)(16), in sub-paragraph (a), for “or a limited duration tenancy” substitute “, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy”.

The Agricultural Holdings (Scotland) Act 2003

- 8.—(1) The 2003 Act is modified as follows.
- (2) In section 10A(1) (landlord improvement notices)(17), in paragraph (b), omit “within the meaning of section 5”.

SCHEDULE 2

Regulation 3

TRANSITORY AND SAVING PROVISIONS

Transitory provision: The Opencast Coal Act 1958

1. Until the coming into force of section 92 of the 2016 Act (repairing tenancies: creation) for all purposes, section 52(2) of the Opencast Coal Act 1958 has effect as if the reference to “a repairing tenancy” in the definition of “agricultural holding” was omitted.

(11) 1984 c.58.

(12) Section 25(1) was relevantly amended by paragraph 6 of the schedule of the Agricultural Holdings (Scotland) Act 2003 (“the 2003 Act”).

(13) 1986 c.49.

(14) Paragraph 2(2) of schedule 2 was relevantly amended by S.S.I. 2003/583.

(15) 1988 c.43.

(16) Paragraph 6 of schedule 4 was relevantly amended by paragraph 11 of the schedule of the 2003 Act.

(17) Section 10A of the 2003 Act was inserted by section 119(4) of the Land Reform (Scotland) Act 2016.

Transitory provision: The Land Compensation (Scotland) Act 1973

2. Until the coming into force of section 92 of the 2016 Act for all purposes, the following provisions of the Land Compensation (Scotland) Act 1973 have effect as if references to “a repairing tenancy” were omitted—

- (a) section 31(3)(c)(i); and
- (b) section 80(1).

Transitory provision: The Land Tenure Reform (Scotland) Act 1974

3. Until the coming into force of section 92 of the 2016 Act for all purposes, section 8(5) of the Land Tenure Reform (Scotland) Act 1974 has effect as if the reference in paragraph (aa) to “a repairing tenancy” was omitted.

Transitory provision: The Matrimonial Homes (Family Protection) (Scotland) Act 1981

4. Until the coming into force of section 92 of the 2016 Act for all purposes, section 13 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 has effect as if the reference in subsection (8) to “a repairing tenancy” was omitted.

Transitory provision: The Rent (Scotland) Act 1984

5. Until the coming into force of section 92 of the 2016 Act for all purposes, section 25(1) of the Rent (Scotland) Act 1984 has effect as if the reference to “a repairing tenancy” in paragraph (v) of the definition of “statutorily protected tenancy” was omitted.

Saving provision: The Agriculture Act 1986

6. The modifications made by paragraph 6 of schedule 1 have no effect in respect of—
- (a) an agreement between a landlord and a tenant under a 1991 Act tenancy to terminate that tenancy, where—
 - (i) that agreement is in accordance with section 2(1)(a) of the 2003 Act⁽¹⁸⁾;
 - (ii) that agreement was made before 30th November 2017; and
 - (iii) the date specified in that agreement as being the date on which the termination is to have effect is on or after 30th November 2017; and
 - (b) a lease constituting a limited duration tenancy entered into in order to comply with section 2(1)(b) of the 2003 Act, which—
 - (i) is for a term of not less than 25 years;
 - (ii) comprises or includes the same land as that comprised in the 1991 Act tenancy being terminated by an agreement to which paragraph (1)(a) applies; and
 - (iii) has effect from the date on which the termination under that agreement has effect.

Transitory provision: The Housing (Scotland) Act 1988

7. Until the coming into force of section 92 of the 2016 Act for all purposes, paragraph 6 of schedule 4 of the Housing (Scotland) Act 1988 has effect as if the reference in sub-paragraph (a) to “a repairing tenancy” was omitted.

⁽¹⁸⁾ Section 2(1) of the Agricultural Holdings (Scotland) Act 2003 is repealed by section 90(2) of the Land Reform (Scotland) Act 2016, subject to saving provision in [S.S.I. 2017/299](#).

Transitory Provision: Modern limited duration tenancies: rent review

8. Until the coming into force of section 102 of the 2016 Act (limited duration tenancies, modern limited duration tenancies and repairing tenancies: rent review) in respect of modern limited duration tenancies, section 9 of the 2003 Act (review of rent under limited duration tenancies) has effect as if—

- (a) in subsection (A1), after “tenancy” there were inserted “or a modern limited duration tenancy”; and
- (b) in subsection (1), after “tenancy” there were inserted “or a modern limited duration tenancy”.