

SCHEDULE
AMENDMENTS TO ENACTMENTS

Succession (Scotland) Act 1964 (c. 41)

- 2 (1) In section 16 (provisions relating to leases) of the Succession (Scotland) Act 1964—
- (a) in subsection (2), at the beginning there is inserted “Subject to subsection (4A),”;
 - (b) in subsection (3)—
 - (i) at the beginning there is inserted “Subject to subsection (4C),”;
 - (ii) in paragraph (b), for the words “sheriff on summary application by” there is substituted “relevant court on the application of”;
 - (c) in subsection (6)—
 - (i) for the words “to an arbiter to determine” there is substituted “for the determination of”;
 - (ii) for the words from “Land” in the second place where it appears to “award” there is substituted “order or determination shall not be”;
 - and
 - (iii) the words “the court or the arbiter is satisfied that” are repealed;
 - (d) in subsection (8), after the word “Act” in the second place where it appears there is inserted ““ or, as the case may be, section 21(2) and (3) of the 2003 Act,”;
 - (e) after that subsection there is inserted—
 - “(8A) For the purposes of subsection (3)(b) above, the “relevant court” is—
 - (a) in the case of an interest under a lease constituting a 1991 Act tenancy, the Land Court; and
 - (b) in any other case, the sheriff,and an application to the sheriff in any such other case shall be by summary application.”; and
 - (f) in subsection (9)—
 - (i) in the definition of “agricultural lease”, for the words from “or” in the first place where it appears to the end there is substituted “, or a lease of a croft within the meaning of section 3(1) of the Act of 1955, or a lease constituting a 1991 Act tenancy, or a lease constituting a short limited duration tenancy or a limited duration tenancy”;
 - (ii) after the definition of “the 1991 Act” there is inserted—
 - ““the 2003 Act” means the Agricultural Holdings (Scotland) Act 2003 (asp 11);”;and
 - (iii) at the end there is inserted—
 - ““1991 Act tenancy”, “short limited duration tenancy” and “limited duration tenancy” shall be construed in accordance with the 2003 Act.”
- (2) In section 29 (right of tenant to bequeath interest under lease) of that Act, in subsection (2), after the words “1991” there is inserted “or section 21 of the Agricultural Holdings (Scotland) Act 2003 (asp 11)”.