



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### PART 1

#### AGRICULTURAL TENANCIES

#### CHAPTER 1

#### TYPES OF TENANCY

#### *New types of tenancy*

#### **4 Short limited duration tenancies**

- (1) Where—
- (a) agricultural land is let under a lease for a term of not more than five years;
  - (b) the land comprised in the lease is not let to the tenant during the tenant's continuance in any office, appointment or employment held under the landlord; and
  - (c) the lease does not constitute—
    - (i) a 1991 Act tenancy; or
    - (ii) a tenancy to which section 3 applies,the tenancy under the lease is, by virtue of this subsection, a short limited duration tenancy.
- (2) Without prejudice to subsection (1), where the tenant remains in occupation of the land after the expiry of the term of a tenancy to which section 3 applies with the consent of the landlord, the tenancy continues to have effect as if it were for a term of—
- (a) 5 years; or
  - (b) such period of less than 5 years as the landlord and tenant may agree to, and the tenancy is, by virtue of this subsection, a short limited duration tenancy.
- (3) Where the tenant remains in occupation of the land after the expiry of the term of a short limited duration tenancy of less than 5 years (including such a term fixed by

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**Changes to legislation:** Agricultural Holdings (Scotland) Act 2003, Section 4 is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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virtue of subsection (2)) with the consent of the landlord, the tenancy continues to have effect as if it were for a term of—

- (a) 5 years; or
- (b) such period of less than 5 years as the landlord and tenant may agree to.

(4) This subsection applies to a short limited duration tenancy where—

- (a) the term of the tenancy has expired and the tenant has not remained in occupation of the land; or
- (b) during the term of the tenancy, the landlord and tenant have terminated the tenancy by agreement.

(5) Where the landlord and tenant enter into a lease constituting a further short limited duration tenancy which—

- (a) comprises the same land as that comprised in the tenancy to which subsection (4) applies; and
- (b) has effect less than one year from the expiry of the term of, or termination of, that tenancy,

the expired period of the term of that tenancy counts as an expired period of the term of the further tenancy; but this is subject to subsection (3) of section 5.

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#### Commencement Information

**II** S. 4 in force at 27.11.2003 by [S.S.I. 2003/548](#), [art. 2\(a\)](#) (with [Sch.](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7C inserted by [2016 asp 18 s. 93\(2\)](#)
- s. 7D inserted by [2016 asp 18 s. 106\(2\)](#)
- s. 8F8G inserted by [2016 asp 18 s. 94\(2\)](#)
- s. 16B inserted by [2016 asp 18 s. 95\(2\)](#)
- s. 17A inserted by [2016 asp 18 s. 96\(2\)](#)
- s. 18B inserted by [2016 asp 18 s. 97\(2\)](#)
- s. 26(1)(1A) substituted for s. 26(1) by [2016 asp 18 s. 99\(4\)\(a\)](#)
- s. 26(3) inserted by [2016 asp 18 s. 99\(4\)\(c\)](#)