



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### PART 1

#### AGRICULTURAL TENANCIES

#### CHAPTER 1

##### TYPES OF TENANCY

##### *New types of tenancy*

### **5 Limited duration tenancies**

- (1) Where—
  - (a) agricultural land is let under a lease for a term of not less than fifteen 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 a 1991 Act tenancy,the tenancy under the lease is, by virtue of this subsection, a limited duration tenancy.
- (2) Where the tenant remains in occupation of the land after the expiry of the term of a short limited duration tenancy of 5 years (including such a term fixed by virtue of section 4(2) or (3)) with the consent of the landlord, the tenancy has effect as if it were for a term of 15 years commencing on the expiry of the term of the short limited duration tenancy; and the tenancy is, by virtue of this subsection, a limited duration tenancy.
- (3) Where subsection (5) of section 4 results in a short limited duration tenancy purporting to be for a term of more than 5 years, the tenancy has effect as if it were for a term of 15 years; and the tenancy is, by virtue of this subsection, a limited duration tenancy.
- (4) Without prejudice to subsections (2) and (3), where a lease constituting a tenancy of agricultural land, as described in paragraphs (b) and (c) of subsection (1), purports to be for a term of more than 5 years and less than 15 years, the tenancy has effect as

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*Status: This is the original version (as it was originally enacted).*

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if it were for a term of 15 years; and the tenancy is, by virtue of this subsection, a limited duration tenancy.