



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 6

RIGHTS OF CERTAIN PERSONS WHERE TENANT IS A PARTNERSHIP

70 Rights of certain persons where tenant is a partnership

- (1) Subsection (2) applies to—
- (a) a 1991 Act tenancy if the lease constituting the tenancy is entered into on or after the coming into force of this section; and
 - (b) a tenancy under a lease constituting a short limited duration tenancy or a limited duration tenancy,
- where the tenant is a partnership.
- (2) Where this subsection applies and—
- (a) any partner is—
 - (i) the landlord or an associate of the landlord; or
 - (ii) a partnership or a company in which the landlord has a relevant interest; and
 - (b) there is any other partner,
- subsections (3) and (4) apply.
- (3) Where this subsection applies, any partner not mentioned in subsection (2)(a) may exercise or enforce any right of a tenant conferred by virtue of this Act or the 1991 Act as if the partner were the tenant in the partner's own right.
- (4) Where this subsection applies, if the tenancy purports to be terminated as a consequence of—
- (a) the dissolution of the partnership—
 - (i) in accordance with the partnership agreement; or
 - (ii) due to the actings of any partner mentioned in subsection (2)(a);
 - (b) the renunciation of the tenancy by such a partner; or
 - (c) a breach of the tenancy by such a partner,
- subsection (5) applies.

Status: This is the original version (as it was originally enacted).

- (5) Where this subsection applies, notwithstanding the purported termination of the tenancy—
- (a) the tenancy continues to have effect; and
 - (b) any partner not mentioned in subsection (2)(a) becomes the tenant (or a joint tenant) under the tenancy in the partner's own right,
- if the partner gives notice to the landlord in accordance with subsection (6).
- (6) Notice is given in accordance with this subsection if—
- (a) it is in writing;
 - (b) it is given within 28 days of the purported termination of the tenancy; and
 - (c) it states that the partner intends to become the tenant (or a joint tenant) under the tenancy in the partner's own right.
- (7) For the purposes of this section and section 72, a landlord has a relevant interest in a partnership or company if the landlord or an associate of the landlord is—
- (a) a partner in the partnership;
 - (b) a partner in a partnership which forms part of the partnership;
 - (c) a shareholder in the company; or
 - (d) the holder of a standard security or floating charge over an interest in a tenancy where the partnership or the company is a partner in the tenant.
- (8) For the purposes of this section and section 72, a person is an associate of a landlord if the person is—
- (a) where the landlord is a partnership or a company, a partner in the landlord or, as the case may be, a shareholder of the landlord;
 - (b) where an associate of the landlord is a partnership or a company, a partner in or, as the case may be, a shareholder of that associate;
 - (c) an agent of the landlord or of an associate of the landlord; or
 - (d) a member of the landlord's family.
- (9) The Scottish Ministers may by order modify (either or both) subsections (7) and (8).