



# Agricultural Holdings (Scotland) Act 2003

## 2003 asp 11

### PART 6

#### RIGHTS OF CERTAIN PERSONS WHERE TENANT IS A PARTNERSHIP

#### 72 Rights of certain persons where tenant is a limited partnership

- (1) Subsections (2) and (3) apply to a 1991 Act tenancy where the lease constituting the tenancy is entered into before the coming into force of this section and—
  - (a) the tenant is a limited partnership; and
  - (b) any limited 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.
- (2) Where this subsection applies, any general partner may exercise or enforce any right of a tenant conferred by virtue of Part 2 of this Act as if the partner were the tenant in the partner's own right <sup>F1</sup>....
- (3) Where this subsection applies and the tenancy purports to be terminated as a consequence of—
  - (a) the dissolution of the partnership by notice served on or after 16th September 2002 by a limited partner mentioned in subsection (1)(b);
  - (b) the renunciation of the tenancy on or after that date by such a partner; or
  - (c) a breach of the tenancy on or after that date by such a partner,subsection (6) applies <sup>F2</sup>....
- <sup>F3</sup>(4) .....
- <sup>F4</sup>(5) .....
- (6) Where this subsection applies, notwithstanding the purported termination of the tenancy—
  - (a) the tenancy continues to have effect; and
  - (b) any general partner becomes the tenant (or a joint tenant) under the tenancy in the partner's own right,

*Changes to legislation: Agricultural Holdings (Scotland) Act 2003, Section 72 is up to date with all changes known to be in force on or before 20 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*

if the general partner gives notice to the landlord within 28 days of the purported termination of the tenancy or within 28 days of the coming into force of this section (whichever is the later) stating that the partner intends to become the tenant (or a joint tenant) under the tenancy in the partner’s own right.

<sup>F5</sup>(7) .....

<sup>F5</sup>(8) .....

<sup>F5</sup>(9) .....

<sup>F5</sup>(10) .....

<sup>F5</sup>(11) .....

(12) In this section, the expressions, “limited partnership”, “limited partner” and “general partner” are to be construed in accordance with the Limited Partnerships Act 1907 (c. 24).

#### **Textual Amendments**

- F1** Words in s. 72(2) repealed (3.4.2014) by [The Agricultural Holdings \(Scotland\) Act 2003 Remedial Order 2014 \(S.S.I. 2014/98\)](#), arts. 1(2), **2(2)(a)**
- F2** Words in s. 72(3) repealed (3.4.2014) by [The Agricultural Holdings \(Scotland\) Act 2003 Remedial Order 2014 \(S.S.I. 2014/98\)](#), arts. 1(2), **2(2)(b)**
- F3** S. 72(4) repealed (3.4.2014) by [The Agricultural Holdings \(Scotland\) Act 2003 Remedial Order 2014 \(S.S.I. 2014/98\)](#), arts. 1(2), **2(2)(c)**, 3
- F4** S. 72(5) repealed (3.4.2014) by [The Agricultural Holdings \(Scotland\) Act 2003 Remedial Order 2014 \(S.S.I. 2014/98\)](#), arts. 1(2), **2(2)(c)**, 3
- F5** S. 72(7)-(11) repealed (3.4.2014) by [The Agricultural Holdings \(Scotland\) Act 2003 Remedial Order 2014 \(S.S.I. 2014/98\)](#), arts. 1(2), **2(2)(c)**, 3

#### **Modifications etc. (not altering text)**

- C1** S. 72(2) modified (23.12.2004) by [Agricultural Holdings \(Right to Buy Modifications\) \(Scotland\) Regulations 2004 \(S.S.I. 2004/557\)](#), regs. 1, **5(1)**
- C2** S. 72(6) modified (23.12.2004) by [Agricultural Holdings \(Right to Buy Modifications\) \(Scotland\) Regulations 2004 \(S.S.I. 2004/557\)](#), regs. 1, **5(2)**

#### **Commencement Information**

- I1** S. 72(1)(3)-(9)(11)(12) in force at 22.5.2003 by [S.S.I. 2003/248](#), **art. 2**
- I2** S. 72(2) in force at 27.11.2003 by [S.S.I. 2003/548](#), **art. 2(f)** (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\(4\)\(c\)](#)