



Land Reform (Scotland) Act 2016

2016 asp 18

PART 10

AGRICULTURAL HOLDINGS

CHAPTER 6

ASSIGNATION OF AND SUCCESSION TO AGRICULTURAL TENANCIES

Assignment

104 Assignment of limited duration tenancies

- (1) The 2003 Act is amended as follows.
- (2) In section 7 (assignment and subletting of limited duration tenancies)—
 - (a) in subsection (3), for “The” substitute “ Subject to subsection (3A), the ”,
 - (b) after that subsection insert—

“(3A) Where the tenant proposes to assign the lease to a person who is a near relative of the tenant, the only grounds on which the landlord can withhold consent to the proposed assignment are the following—

 - (a) that the person is not of good character,
 - (b) that the person does not have sufficient resources to enable the person to farm the land with reasonable efficiency,
 - (c) subject to subsection (3B), that the person has neither sufficient training in agriculture nor sufficient experience in the farming of land to enable the person to farm the land with reasonable efficiency.
- (3B) The ground of objection in subsection (3A)(c) does not apply where the person—
 - (a) is engaged in or will begin, before the expiry of the period of 6 months beginning with the date of the notice under subsection (2), a course of relevant training in agriculture

Changes to legislation: *Land Reform (Scotland) Act 2016, Section 104 is up to date with all changes known to be in force on or before 27 April 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*

- which the person is expected to complete satisfactorily within 4 years from that date, and
- (b) has made arrangements to secure that the land is farmed with reasonable efficiency until the person completes that course.”,
- (c) after subsection (5) insert—
- “(5A) For the purposes of subsection (3A), “near relative”, in relation to a tenant of an agricultural holding, means—
- (a) a parent of the tenant,
 - (b) a spouse or civil partner of the tenant,
 - (c) a child of the tenant,
 - (d) a spouse or civil partner of such a child,
 - (e) a grandchild of the tenant,
 - (f) a brother or sister of the tenant,
 - (g) a spouse or civil partner of such a brother or sister,
 - (h) a child of a brother or sister of the tenant,
 - (i) a grandchild of a brother or sister of the tenant,
 - (j) a brother or sister of the tenant's spouse or civil partner,
 - (k) a spouse or civil partner of such a brother or sister,
 - (l) a child of such a brother or sister,
 - (m) a grandchild of such a brother or sister.”.

Commencement Information

II S. 104 in force at 23.12.2016 by [S.S.I. 2016/365](#), reg. 2, [sch.](#) (with regs. 3-15)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2017/299, regs. 5-14, by [S.S.I. 2017/370 reg. 34](#)