

2017 No. 20 (C. 3)

LANDLORD AND TENANT

**The Land Reform (Scotland) Act 2016 (Commencement No. 5
and Transitory Provisions) Regulations 2017**

| | |
|--|--------------------------|
| <i>Made</i> - - - - | <i>24th January 2017</i> |
| <i>Laid before the Scottish Parliament</i> | <i>26th January 2017</i> |
| <i>Coming into force</i> - - | <i>13th March 2017</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 130(2) and (4) of the Land Reform (Scotland) Act 2016(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Land Reform (Scotland) Act 2016 (Commencement No. 5 and Transitory Provisions) Regulations 2017 and come into force on 13th March 2017.

(2) In these Regulations “the Act” means the Land Reform (Scotland) Act 2016.

Appointed day

2. 13th June 2017 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the schedule (the subject matter of which is described in column 2 of that table).

Transitory provision: amnesty for certain improvements by tenant

3. Until the coming into force of section 85 of the Act (modern limited duration tenancies: creation) for all purposes, section 112(1) of the Act (amnesty for certain improvements by tenant) is to be read as if for paragraph (b) there were substituted—

“(b) a tenant—

- (i) under a short limited duration tenancy within the meaning of section 4 of the 2003 Act, or
- (ii) under a limited duration tenancy within the meaning of section 5 of that Act, intends to claim compensation under section 45 of that Act.”.

Transitory provision: section 45A of the Agricultural Holdings (Scotland) Act 2003

4. Until the coming into force of section 85 of the Act for all purposes, section 45A of the Agricultural Holdings (Scotland) Act 2003^(a) (amnesty under the Land Reform (Scotland) Act 2016) is to be read as if for “, a limited duration tenancy or a modern limited duration tenancy” there were substituted “or a limited duration tenancy”.

Transitory provision: amnesty notice

5. Until the coming into force of section 85 of the Act for all purposes, section 114(5) of the Act (amnesty notice) is to be read as if for “, limited duration tenancy or modern limited duration tenancy” there were substituted “or limited duration tenancy”.

FERGUS EWING

A member of the Scottish Government

St Andrew’s House,
Edinburgh
24th January 2017

(a) 2003 asp 11; section 45A is inserted by section 113(2) of the Land Reform (Scotland) Act 2016. Section 113(2) is commenced by these Regulations.

SCHEDULE

Regulation 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 13TH JUNE 2017

| <i>Column 1</i> <i>Provisions of the Act</i> | <i>Column 2</i> <i>Subject-matter</i> |
|---|--|
| 112 | Amnesty for certain improvements by tenant |
| 113 | Amendment of the Agricultural Holdings (Scotland) Acts |
| 114 | Amnesty notice |
| 115 | Objection by landlord |
| 116 | Referral to Land Court |
| 117 | Amnesty agreements |
| 118 | Arbitration and other dispute resolution |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to bringing into force particular sections of the Land Reform (Scotland) Act 2016 (“the Act”).

Regulation 2 and the schedule appoint 13th June 2017 for the coming into force of the provisions specified in column 1 of the table in the schedule. The sections of the Act which are being commenced relate to compensation for certain improvements by tenants.

Regulation 3 makes transitory provision so that the reference in section 112(1)(b)(iii) of the Act to a modern limited duration tenancy (“MLDT”) is to be ignored until section 85 of the Act (modern limited duration tenancies: creation) comes into force for all purposes.

Regulation 4 makes transitory provision so that the reference in section 45A of the Agricultural Holdings (Scotland) Act 2003 (inserted by section 113 of the Act) to an MLDT is to be ignored until section 85 of the Act comes into force for all purposes.

Regulation 5 makes transitory provision so that the reference in section 114(5) of the Act to an MLDT is to be ignored until section 85 of the Act comes into force for all purposes.

The Bill for the Act received Royal Assent on 22nd April 2016. Sections 125 to 127, 130 and 131 came into force on 23rd April 2016.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Land Reform (Scotland) Act 2016 have been brought into force by commencement regulations made before the date of these Regulations.

| <i>Provisions of the 2016 Act</i> | <i>Date of Commencement</i> | <i>Instrument No.</i> |
|---|-----------------------------|-----------------------|
| Section 1 | 1st October 2016 | S.S.I. 2016/193 |
| Section 2 | 1st October 2016 | S.S.I. 2016/193 |
| Section 3 | 1st October 2017 | S.S.I. 2016/193 |
| Section 4(1) to (5) | 1st November 2016 | S.S.I. 2016/250 |
| Section 4(6) to (8) | 1st April 2017 | S.S.I. 2016/250 |
| Section 5 | 1st November 2016 | S.S.I. 2016/250 |
| Section 6 | 1st April 2017 | S.S.I. 2016/250 |
| Section 7 | 1st November 2016 | S.S.I. 2016/250 |
| Section 8 | 1st April 2017 | S.S.I. 2016/250 |
| Section 9 | 1st April 2017 | S.S.I. 2016/250 |
| Section 10 | 1st November 2016 | S.S.I. 2016/250 |
| Section 11 | 1st November 2016 | S.S.I. 2016/250 |
| Section 12(1), (2), (3)(a), (4) and (5) | 1st November 2016 | S.S.I. 2016/250 |
| Section 12(3)(b) (partially) | 1st November 2016 | S.S.I. 2016/250 |
| Section 13 | 1st November 2016 | S.S.I. 2016/250 |
| Section 14 | 1st November 2016 | S.S.I. 2016/250 |
| Section 15 | 1st November 2016 | S.S.I. 2016/250 |
| Section 16 | 1st November 2016 | S.S.I. 2016/250 |
| Section 17 | 1st November 2016 | S.S.I. 2016/250 |
| Section 18 | 1st November 2016 | S.S.I. 2016/250 |
| Section 19 | 1st November 2016 | S.S.I. 2016/250 |
| Section 20 | 1st November 2016 | S.S.I. 2016/250 |
| Section 21(1) and (2) | 1st November 2016 | S.S.I. 2016/250 |
| Section 21(3) | 1st April 2017 | S.S.I. 2016/250 |

| <i>Provisions of the 2016 Act</i> | <i>Date of Commencement</i> | <i>Instrument No.</i> |
|---|-----------------------------|-----------------------|
| Section 22(1), (2), (3)(a)(ii) and (iii) and (b), (4) and (5) | 1st April 2017 | S.S.I. 2016/250 |
| Section 22(3)(a)(i) | 1st October 2017 | S.S.I. 2016/250 |
| Section 23 | 1st April 2017 | S.S.I. 2016/250 |
| Section 24 | 1st April 2017 | S.S.I. 2016/250 |
| Section 25 | 1st April 2017 | S.S.I. 2016/250 |
| Section 26 | 1st April 2017 | S.S.I. 2016/250 |
| Section 27(1), (2)(a) to (f) and (h) to (i) and (3) to (9) | 1st April 2017 | S.S.I. 2016/250 |
| Section 28 | 1st April 2017 | S.S.I. 2016/250 |
| Section 29 | 1st April 2017 | S.S.I. 2016/250 |
| Section 30 | 1st April 2017 | S.S.I. 2016/250 |
| Section 31 | 1st April 2017 | S.S.I. 2016/250 |
| Section 32 | 1st April 2017 | S.S.I. 2016/250 |
| Section 33 | 1st April 2017 | S.S.I. 2016/250 |
| Section 34 | 1st April 2017 | S.S.I. 2016/250 |
| Section 35 | 1st April 2017 | S.S.I. 2016/250 |
| Section 36 | 1st April 2017 | S.S.I. 2016/250 |
| Section 37 | 1st April 2017 | S.S.I. 2016/250 |
| Section 38 | 1st April 2017 | S.S.I. 2016/250 |
| Section 44 | 1st November 2016 | S.S.I. 2016/250 |
| Section 74 | 28th June 2016 | S.S.I. 2016/193 |
| Section 75 | 28th June 2016 | S.S.I. 2016/193 |
| Section 76 | 28th June 2016 | S.S.I. 2016/193 |
| Section 77 | 28th June 2016 | S.S.I. 2016/193 |
| Section 78 | 28th June 2016 | S.S.I. 2016/193 |
| Section 79 | 28th June 2016 | S.S.I. 2016/193 |
| Section 80 | 28th June 2016 | S.S.I. 2016/193 |
| Section 81 | 28th June 2016 | S.S.I. 2016/193 |
| Section 82 | 28th June 2016 | S.S.I. 2016/193 |
| Section 83 | 31st December 2016 | S.S.I. 2016/372 |
| Section 84 | 31st December 2016 | S.S.I. 2016/372 |
| Section 85(1) and (3) (partially) | 23rd December 2016 | S.S.I. 2016/365 |
| Section 89 (partially) | 23rd December 2016 | S.S.I. 2016/365 |
| Section 92 (partially) | 23rd December 2016 | S.S.I. 2016/365 |
| Section 98 (partially) | 23rd December 2016 | S.S.I. 2016/365 |
| Section 100 (partially) | 23rd December 2016 | S.S.I. 2016/365 |
| Section 101 (partially) | 23rd December 2016 | S.S.I. 2016/365 |
| Section 102 (partially) | 23rd December 2016 | S.S.I. 2016/365 |
| Section 103 | 23rd December 2016 | S.S.I. 2016/365 |
| Section 104 | 23rd December 2016 | S.S.I. 2016/365 |
| Section 107 | 23rd December 2016 | S.S.I. 2016/365 |
| Section 108(2) and (3)(a)(ii) and (b) | 23rd December 2016 | S.S.I. 2016/365 |
| Section 109 | 23rd December 2016 | S.S.I. 2016/365 |
| Section 110 (partially) | 23rd December 2016 | S.S.I. 2016/365 |
| Section 111(2) and (4) (partially) | 23rd December 2016 | S.S.I. 2016/365 |
| Section 119 | 23rd December 2016 | S.S.I. 2016/365 |
| Section 120 | 23rd December 2016 | S.S.I. 2016/365 |
| Section 121 | 23rd December 2016 | S.S.I. 2016/365 |
| Section 122 | 23rd December 2016 | S.S.I. 2016/365 |
| Section 123 | 23rd December 2016 | S.S.I. 2016/365 |
| Section 124 | 23rd December 2016 | S.S.I. 2016/365 |

| <i>Provisions of the 2016 Act</i> | <i>Date of Commencement</i> | <i>Instrument No.</i> |
|--|-----------------------------|-----------------------|
| Section 129(2) and schedule 2 so far as they relate to paragraph 7(1) of schedule 2 (partially) | 23rd December 2016 | S.S.I. 2016/365 |
| Section 129(2) and schedule 2 so far as they relate to paragraphs 7(16)(b) and 14 to 19 of schedule 2 | 23rd December 2016 | S.S.I. 2016/365 |
| Section 129(2) and schedule 2 so far as they relate to paragraph 7(29) and (30)(b) of schedule 2 (partially) | 23rd December 2016 | S.S.I. 2016/365 |

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