

# Long Leases (Scotland) Act 2012

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#### PART 1

#### CONVERSION OF LONG LEASE TO OWNERSHIP

Determination of "qualifying lease"

- 1 Meaning of "qualifying lease"
- 2 Further provision about annual rent
- 3 Only one lease is qualifying lease

Conversion of right of lease to ownership

4 Conversion of right of lease to right of ownership

Consequences of conversion

- 5 Extinction of certain rights and obligations
- 6 Subordinate real rights, reservations and pertinents
- 7 Creation of servitudes on conversion
- 8 Conversion of reserved sporting rights
- 9 Further provision for section 8

### PART 2

#### CONVERSION OF CERTAIN LEASEHOLD CONDITIONS TO REAL BURDENS

Determination of "qualifying conditions"

- 10 Qualifying conditions
- 11 Restriction on conversion of qualifying conditions

Meaning of "qualifying land"

12 Meaning of "qualifying land"

## Entitlement to enforce qualifying conditions

13 Determination of who may enforce condition

## Conversion of conditions to burdens

- 14 Conversion by nomination of benefited property
- 15 Conversion by nomination: registration
- 16 Conversion by nomination: effect
- 17 Conversion by agreement
- 18 Conversion by agreement: registration
- 19 Conversion by agreement: effect
- 20 Conversion by agreement: title not completed

### Applications relating to section 14

- 21 Lands Tribunal order
- 22 Dealing with application under section 21

#### Personal real burdens

- 23 Conversion to personal pre-emption or redemption burden
- 24 Conversion to economic development burden
- 25 Conversion to health care burden
- 26 Conversion to climate change burden
- 27 Conversion to conservation burden: rule one
- 28 Conversion to conservation burden: rule two

## Other real burdens

- 29 Conversion to facility or service burden
- 30 Conversion to manager burden
- 31 Conversion where common scheme affects related properties
- 32 Conversion where expressly enforceable by certain third parties

## Exclusions from conversion

33 Qualifying condition where obligation assumed by public authority

## Effect of conversion on counter-obligations

34 Counter-obligations on conversion

#### Prescription

35 Prescriptive period for converted conditions

#### Notices and agreements under this Part

36 Further provision for notices and agreements

## PART 3

#### ALLOCATION OF RENTS AND RENEWAL PREMIUMS ETC.

#### Key terms

- Partially continuing leases and renewal obligations etc.
- 38 Cumulo rent and cumulo renewal premium

Status: Point in time view as at 28/11/2013.

Changes to legislation: There are currently no known outstanding effects for the Long Leases (Scotland) Act 2012. (See end of Document for details)

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- 39 Allocation of *cumulo* rent before appointed day
- 40 Allocation of *cumulo* rent after appointed day
- 41 Partially continuing leases: allocation of rent

## Allocation of renewal premium

- 42 Allocation of *cumulo* renewal premium
- 43 Partially continuing leases: allocation of renewal premium

#### Allocation disputed or not made

44 Allocation disputed or not made: reference to Lands Tribunal

#### PART 4

#### COMPENSATION FOR LOSS OF LANDLORD'S RIGHTS

#### Compensatory payment

- 45 Requiring compensatory payment
- 46 Making compensatory payment

## Calculation of compensatory payment

47 Calculation of the compensatory payment

#### Annual rent

48 Determination of the annual rent

#### Renewal premiums

49 Calculation of notional annual renewal premium

#### Additional payment

- 50 Claiming additional payment
- 51 Extinguished rights
- 52 Calculating additional payment
- 53 Additional payment: former tenant agrees
- 54 Additional payment: amount mutually agreed
- 55 Claim for additional payment: reference to Lands Tribunal

## Supplementary

- 56 Claims in excess of £500: preliminary notice
- 57 Making payment by instalments
- 58 Collecting third party to disclose information
- 59 Duty to disclose identity etc. of former tenant
- 60 Prescription of requirement to make payment
- 61 Interpretation of Part 4

#### PART 5

EXEMPTION FROM CONVERSION AND CONTINUING LEASES

#### Exempt leases

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## Types of exempt lease

- 63 Exemption of qualifying lease by registration of notice
- 64 Exemption of qualifying lease by registration of agreement or order
- 65 Certain leases registered near or after the appointed day
- 66 Subleases of exempt leases

## Recall of exemption

67 Recall of exemption

## Supplementary

- 68 Exemption and recall notices: supplementary
- 69 Application to Lands Tribunal for order confirming rent

#### PART 6

#### GENERAL AND MISCELLANEOUS

## The appointed day

70 The appointed day

## Duration of lease etc.

- 71 Determining duration of lease
- 72 Leases continuing on tacit relocation

#### Extinction of right of irritancy in certain leases

73 Extinction of right of irritancy in certain leases

#### Notices etc.

- 74 Service of notices
- 75 Notices: pre-registration requirements
- 76 Keeper's duty as regards documents
- 77 Disputed notices: reference to Lands Tribunal
- 78 Certain documents registrable despite initial rejection

#### Miscellaneous

- 79 Amendments to enactments
- 80 Interpretation
- 81 Ancillary provision
- 82 Subordinate legislation
- 83 Commencement
- 84 Short title

SCHEDULE — Minor and consequential amendments

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## Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35)

1 In section 9(2B) (no standard security over personal pre-emption burden...

Tribunals and Inquiries Act 1992 (c.53)

2 In section 11(7) of the Tribunal and Inquiries Act 1992...

Title Conditions (Scotland) Act 2003 (asp 9)

3 (1) The 2003 Act is amended in accordance with this...

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