



# Long Leases (Scotland) Act 2012

## 2012 asp 9

### PART 4

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

##### *Additional payment*

#### **50 Claiming additional payment**

- (1) This section applies where, on the appointed day, a right of a landlord under a lease, being a right mentioned in section 51(1), is extinguished by virtue of Part 1.
- (2) The former landlord under the lease may serve on the former tenant a notice claiming that a payment, calculated in accordance with section 52, be made to the former landlord by the former tenant in respect of the extinction of the right (such payment being referred to in this Act as an “additional payment”).
- (3) Where—
  - (a) the lease mentioned in subsection (1) is a superior lease, and
  - (b) the extinguished right is a right referred to in section 51(1)(e) to (g),references to the “former tenant” in subsection (2) and sections 52 to 55 and 57 to 59 are to be construed as references to the former tenant under the qualifying lease.
- (4) The notice served under subsection (2) must—
  - (a) be served before the expiry of the period of 2 years beginning with the appointed day,
  - (b) be in the prescribed form,
  - (c) be accompanied by a copy of the prescribed explanatory note,
  - (d) set out the right which has been extinguished and in respect of which the claim is made,
  - (e) specify the amount of additional payment claimed and the basis on which the amount is calculated, and
  - (f) where the claim is in respect of a right to development value, set out the basis on which the development value is reserved under the lease.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Where the additional payment claimed is equal to or greater than £50, the former landlord must, together with the notice served under subsection (2), serve on the former tenant an instalment document.
- (6) This section is subject to section 56.