



Long Leases (Scotland) Act 2012

2012 asp 9

PART 6

GENERAL AND MISCELLANEOUS

Duration of lease etc.

71 Determining duration of lease

- (1) In calculating the period for which a lease is granted for the purposes of any provision of this Act—
- (a) any provision of a lease (however expressed) enabling the lease to be terminated earlier than the date on which it would otherwise terminate must be disregarded,
 - (b) where a lease includes provision (however expressed) requiring the landlord to renew the lease, the period for which any such renewed lease would, were that provision complied with, be granted must be added to the period for which the original lease is granted,
 - (c) where the period for which a lease is granted is expressed (in whole or in part) by reference to the lifetime of a person, the period expressed by reference to that lifetime is—
 - (i) in a case where such person is deceased and the period beginning on the first day of the period for which the lease was granted and ending on the day that person died can be ascertained, that period,
 - (ii) in a case where such person is identifiable and is not deceased, deemed to be the period of life expectancy as calculated in accordance with the table of life expectancy set out in regulations made by the Scottish Ministers, or
 - (iii) in any other case, deemed to be a period of 35 years, and
 - (d) where, before the end of the period for which a lease is granted, the parties to that lease enter into a subsequent lease—
 - (i) of the same subjects as the original lease, and
 - (ii) for a period beginning immediately after the end of the period for which such lease is granted,

Status: This is the original version (as it was originally enacted).

the period for which the subsequent lease is granted must be added to the period for which the original lease is granted.

- (2) Subsection (1)(b) to (d) is subject to section 67 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 ([asp 5](#)) (prohibition of leases of more than 175 years).