

LONG LEASES (SCOTLAND) ACT 2012

EXPLANATORY NOTES

PART 3: ALLOCATION OF RENTS AND RENEWAL PREMIUMS ETC.

Allocation of rent

Section 39: Allocation of cumulo rent before appointed day

161. This section allows the landlord to allocate *cumulo* rent before the appointed day. This allows landlords to claim an exemption from the Act, if the annual rental for an individual lease after the *cumulo* rent has been allocated is over £100 (see section 64).
162. Subsection (1) and (2) provide that where two or more leases are subject to *cumulo* rent and one or more of the leases is a qualifying lease (defined in section 1), the landlord may allocate the *cumulo* rent.
163. Subsection (3) provides that the allocation must be reasonable and subsection (4) provides that the allocation is presumed to be reasonable if it accords with any apportionment that has already taken place. This presumption is relevant only in cases where an apportionment was made without the consent of the landlord. For example, where the rent is collected by a property manager or other third party and remitted to the landlord in a single sum. Subsection (5) provides that once the allocation by the landlord has taken place the rental for each individual lease is the annual rental and is not *cumulo* rent for the purposes of this Act.