

## SCHEDULES

## F1 SECOND SCHEDULE

Sections 7, 8, 9.

## DETERMINATION OF THE APPROPRIATE AMOUNT IN RESPECT OF CASUALTIES PAYABLE UNDER A LEASE OR A SUB-LEASE

## Textual Amendments

- F1** Schs. repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), Sch. 13 Pt. 1 (with ss. 58, 62, 75); [S.S.I. 2003/456](#), art. 2

1 The appropriate amount in respect of the casualties payable under any lease or sub-lease shall be—

- (a) such sum as may be determined by agreement between the landlord or intermediate landlord, as the case may be, and the occupying lessee; or
- (b) in default of such agreement,—
  - (i) where casualties are exigible only on the death of the person holding the interest of lessee under the lease or sub-lease, a sum equal to the highest casualty or, if a feu right is to be granted of a part only of the property let under the lease or sub-lease, the proportion of such casualty attributable to the subjects to be comprised in the feu right:

Provided that if at the date of the notice given under section one of this Act by the occupying lessee and after payment of any casualty which may then be exigible the state of the title is such that the next casualty may be that payable on the entry or succession of an heir, and the amount of the casualty payable by an heir is less than the amount which would be payable on the entry of a singular successor, the said sum shall be subject to an abatement of one half;

- (ii) where casualties are exigible on the occasion of each transfer of the lease or sub-lease as well as on the death of the person holding the interest of lessee under the lease or sub-lease, a sum equal to one and two-thirds times the highest casualty or one and two-thirds times the proportion of such casualty attributable to the subjects to be comprised in the feu right, as the case may be:

Provided that if at the date of the said notice and after payment of any casualty which may then be exigible the state of the title is such that the next casualty may be that payable on the entry or succession of an heir, and the amount of the casualty payable by an heir is less than the amount which would be payable on the entry of a singular successor, the said sum shall be subject to an abatement of two-fifths;

- (iii) where casualties are payable at fixed and regularly recurring intervals, such sum as will, with the addition of simple interest at the rate of five per centum per annum, produce on the next

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**Changes to legislation:** *There are currently no known outstanding effects for the Long Leases (Scotland) Act 1954, SECOND SCHEDULE. (See end of Document for details)*

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recurrence of the fixed interval a sum representing twenty-five times the highest casualty or twenty-five times the proportion of such casualty attributable to the subjects to be comprised in the feu right, as the case may be, divided by the number of years constituting such interval.

- 2 The appropriate amount determined under the foregoing paragraph shall be in respect only of casualties payable under the lease or sub-lease subsequent to the date of the notice referred to in that paragraph, and the appropriate amount shall be fixed as at the said date.
- 3 Where for the purposes of this Schedule it is necessary to apportion any casualty payable under a lease or a sub-lease between two or more parts of the property let under such lease or sub-lease, the apportionment shall be made by agreement amongst the parties concerned or, in default of such agreement, by the sheriff.

**Changes to legislation:**

There are currently no known outstanding effects for the Long Leases (Scotland) Act 1954,  
SECOND SCHEDULE.