



# Long Leases (Scotland) Act 2012

## 2012 asp 9

### LONG LEASES (SCOTLAND) ACT 2012

#### 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”

*Status: Point in time view as at 21/02/2014.**Changes to legislation: There are currently no known outstanding effects for the Long Leases (Scotland) Act 2012. (See end of Document for details)**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*

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

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*Allocation of rent*

- 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

*Status: Point in time view as at 21/02/2014.**Changes to legislation: There are currently no known outstanding effects  
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## 62 Exempt leases

*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

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

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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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**Changes to legislation:**

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