

*These notes relate to the Long Leases (Scotland) Act 2012
(asp 9) which received Royal Assent on 7 August 2012*

LONG LEASES (SCOTLAND) ACT 2012

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

3. The Long Leases (Scotland) Act 2012 converts ultra-long leases into ownership. For the purposes of the Act, “ultra-long leases” are leases that were let for over 175 years and, for residential leases, have over 100 years left to run from the appointed day laid down in the Act and, for non-residential leases, have over 175 years left to run from the appointed day. Under the Act, compensatory and additional payments are payable by tenants to landlords. Some leasehold conditions are preserved and become real burdens in the title deeds. Landlords are also able to preserve sporting rights. The traditional name for a lease in Scotland is “tack”.
4. The Act follows a report by the Scottish Law Commission¹ published in December 2006 and a Scottish Government consultation² published in March 2010. The Government introduced a Long Leases (Scotland) Bill in the Parliamentary session 2010/11³ but this Bill fell when Parliament was dissolved for the Scottish parliamentary elections in May 2011.

¹ Scottish Law Commission Report 204, on the Conversion of Long Leases, can be found on the Commission’s website at http://www.scotlawcom.gov.uk/download_file/view/251/

² The Scottish Government consultation can be found at <http://www.scotland.gov.uk/Publications/2010/03/26131302/0> and the non-confidential responses at <http://scotland.gov.uk/Publications/2010/07/15143717/0>

³ The Bill introduced in the Parliamentary session 2010/11 can be found on the Scottish Parliament’s website at <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/22395.aspx>