

*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

PART 5: EXEMPTION FROM CONVERSION AND CONTINUING LEASES

Types of exempt leases

Section 64: Exemption of qualifying lease by registration of agreement or order

252. This section allows a landlord to claim an exemption in respect of a lease where the annual rental is over £100.
253. Subsection (1) provides that the landlord must register an agreement with the tenant or an order made by the Lands Tribunal no later than 2 months before the appointed day.
254. Subsection (2) makes provision in respect of the form of the agreement with the tenant.
255. Subsection (2)(c)(i) provides that one option is for the agreement to state that the annual rent immediately before the appointed day will be over £100. Such an agreement might be sought, for example, where the landlord allocates *cumulo* rent under section 39 and the allocated rent for an individual lease is over £100.
256. Subsection (2)(c)(ii), as read with subsection (3), provides that another option is for the agreement to state that the annual rent was over £100 at any point in the 5 years before Royal Assent. This reflects that some leases may have variable rent. Variable rent may mean that the rent paid in any one year in the 5 years before Royal Assent exceeds £100 even though the base rent laid down in the lease is under £100.