

*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 6: GENERAL AND MISCELLANEOUS

Extinction of right of irritancy in certain leases

Section 73: Extinction of right of irritancy in certain leases

279. This section prevents the termination by irritancy of a lease of land granted for a period of more than 175 years which has an unexpired duration of more than 100 years (for residential leases) or has an unexpired duration of more than 175 years (for non-residential leases) and is not excluded by section 1(4) or section 64. The lease does not have to be registered to be covered by this section.
280. Irritancy is the premature termination of the lease by the landlord, when the tenant has failed to comply with one or more of the tenant's obligations under the lease. It includes a provision in a lease which deems a failure of the tenant to comply with any provision in the lease to be a material breach of contract. Any proceedings already commenced in relation to irritancy of a lease covered by this section are deemed to be abandoned (subsection (4)). However, any final decree granted is not affected (subsection (5)).