

Long Leases (Scotland) Act 2012

2012 asp 9

PART 2

CONVERSION OF CERTAIN LEASEHOLD CONDITIONS TO REAL BURDENS

Entitlement to enforce qualifying conditions

13 Determination of who may enforce condition

- (1) Subsections (2) and (3) have effect for the purposes of determining in relation to sections 14 to 28 whether a person is entitled to enforce a qualifying condition.
- (2) A person having right to property to which the entitlement to enforce a qualifying condition attaches may enforce the qualifying condition whether or not the person has completed title to that right (and where more than one person comes within that description, only the person who most recently acquired that right may enforce the qualifying condition).
- (3) Where before the appointed day the tenant under a lease—
 - (a) assigns the lease in part, and
 - (b) includes in the assignation or (as the case may be) a deed registered under section 3 of the Registration of Leases (Scotland) Act 1857 (c.26), a qualifying condition,
a person who is a tenant or subtenant of the part of the land that is not so assigned (or a successor as tenant or subtenant of such person) may enforce the qualifying condition.
- (4) In sections 14 to 21, a person is an “entitled person” if that person is entitled to enforce a qualifying condition (whether as landlord or otherwise).
- (5) Where the entitlement to enforce a qualifying condition is held in pro indiviso shares—
 - (a) if the entitlement is held as landlord, any reference in sections 14 to 21 to an entitled person is a reference to all of the persons holding such a share, and
 - (b) if the entitlement is held otherwise than as landlord, any reference in those sections to an entitled person is a reference to any of the persons holding such a share.

Changes to legislation: *There are currently no known outstanding effects for the Long Leases (Scotland) Act 2012, Cross Heading: Entitlement to enforce qualifying conditions. (See end of Document for details)*

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Commencement Information

II S. 13 in force at 21.2.2014 by [S.S.I. 2013/322](#), **art. 3(b)**

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