



Long Leases (Scotland) Act 2012

2012 asp 9

PART 3

ALLOCATION OF RENTS AND RENEWAL PREMIUMS ETC.

Allocation of renewal premium

42 Allocation of *cumulo* renewal premium

- (1) This section applies where—
 - (a) immediately before the appointed day, the renewal premium payable in relation to two or more leases containing a renewal obligation was a *cumulo* renewal premium,
 - (b) on that day, one or more of the leases is extinguished by virtue of Part 1 in respect of any subjects of the leases, and
 - (c) a lease mentioned in paragraph (b) complies with section 1(3)(b) and (c) by virtue of section 71(1)(b).
- (2) The landlord must, before the expiry of the period of 2 years beginning with the appointed day, allocate the *cumulo* renewal premium between the leases mentioned in subsection (1)(a).
- (3) The allocation under subsection (2) must be in such proportions as are reasonable in all the circumstances.
- (4) For the purposes of subsection (3)—
 - (a) the proportions are presumed to be reasonable in so far as they accord with any apportionment of the *cumulo* renewal premium that was effective immediately before the appointed day,
 - (b) where there is no such apportionment, the proportions are presumed to be reasonable in so far as they accord with any allocation of rent under section 40.
- (5) The renewal premium payable from the appointed day under a lease which is not wholly extinguished by virtue of Part 1 is (subject to section 43) the renewal premium allocated to the lease under subsection (2).

Status: Point in time view as at 21/02/2014.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, Cross Heading: Allocation of renewal premium. (See end of Document for details)

Commencement Information

I1 S. 42 in force at 21.2.2014 by [S.S.I. 2013/322](#), [art. 3\(c\)](#)

43 Partially continuing leases: allocation of renewal premium

- (1) This section applies to a lease which—
 - (a) contains a renewal obligation,
 - (b) complies with section 1(3)(b) and (c) by virtue of section 71(1)(b), and
 - (c) is a partially continuing lease.
- (2) The landlord must, before the expiry of the period of 2 years beginning with the appointed day, allocate the renewal premium between the converted subjects and continuing subjects.
- (3) For the purposes of subsection (2), the renewal premium is—
 - (a) the renewal premium payable under the lease immediately before the appointed day, or
 - (b) where a *cumulo* renewal premium is allocated to the lease under section 42(2), the premium so allocated.
- (4) The allocation under subsection (2) must be in such proportions as are reasonable in all the circumstances.
- (5) For the purposes of subsection (4), the proportions are presumed to be reasonable in so far as they accord with any allocation of rent under section 41.
- (6) The renewal premium payable from the appointed day under the partially continuing lease is the renewal premium allocated to the continuing subjects under subsection (2).

Commencement Information

I2 S. 43 in force at 21.2.2014 by [S.S.I. 2013/322](#), [art. 3\(c\)](#)

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, Cross Heading: Allocation of renewal premium.