

# Long Leases (Scotland) Act 2012

## 2012 asp 9

### PART 3

#### ALLOCATION OF RENTS AND RENEWAL PREMIUMS ETC.

##### *Allocation of rent*

#### **39 Allocation of *cumulo* rent before appointed day**

- (1) This section applies where—
  - (a) a *cumulo* rent is payable in relation to two or more leases, and
  - (b) one or more of the leases is a qualifying lease.
- (2) The landlord may, at any time before the appointed day, allocate the *cumulo* rent 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), the proportions are presumed to be reasonable in so far as they accord with any apportionment of the *cumulo* rent that was effective immediately before the allocation under (2).
- (5) Where the landlord allocates the *cumulo* rent between two or more leases under subsection (2), the annual rent payable under each lease from the day on which the landlord gives notice to the tenant of the allocation is the annual rent allocated to the lease and such rent is not *cumulo* rent for the purposes of this Act.

#### **40 Allocation of *cumulo* rent after appointed day**

- (1) This section applies where—
  - (a) immediately before the appointed day, a *cumulo* rent was payable in relation to two or more leases, and
  - (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.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The landlord must, before the expiry of the period of 2 years beginning with the appointed day, allocate the *cumulo* rent 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), the proportions are presumed to be reasonable in so far as they accord with any apportionment of the *cumulo* rent that was effective immediately before the appointed day.
- (5) The annual rent payable from the appointed day under a lease which is not wholly extinguished by virtue of Part 1 is (subject to section 41) the annual rent allocated to the lease under subsection (2).
- (6) In this section and sections 41, 42 and 43, “landlord” includes former landlord.

#### **41 Partially continuing leases: allocation of rent**

- (1) The landlord in relation to a partially continuing lease must, before the expiry of the period of 2 years beginning with the appointed day, allocate the annual rent between the converted subjects and continuing subjects.
- (2) In subsection (1), the annual rent is—
  - (a) the annual rent payable under the lease immediately before the appointed day, or
  - (b) where a *cumulo* rent is allocated to the lease under section 40(2), the annual rent so allocated.
- (3) The allocation under subsection (1) must be in such proportions as are reasonable in all the circumstances.
- (4) The annual rent payable from the appointed day under the partially continuing lease is the annual rent allocated to the continuing subjects under subsection (1).