



Long Leases (Scotland) Act 2012

2012 asp 9

PART 5

EXEMPTION FROM CONVERSION AND CONTINUING LEASES

Types of exempt lease

63 Exemption of qualifying lease by registration of notice

A lease is an exempt lease if—

- (a) it is a qualifying lease, and
- (b) the tenant under the lease, not later than 2 months before the appointed day, executes and registers a notice in the prescribed form (referred to in this Act as an “exemption notice”).

Commencement Information

- I1** S. 63(a) in force at 21.2.2014 by [S.S.I. 2013/322, art. 3\(e\)](#)
- I2** S. 63(b) in force at 28.11.2013 for specified purposes by [S.S.I. 2013/322, art. 2\(m\)](#), [Sch.](#)
- I3** S. 63(b) in force at 21.2.2014 in so far as not already in force by [S.S.I. 2013/322, art. 3\(e\)](#)

64 Exemption of qualifying lease by registration of agreement or order

(1) A lease is an exempt lease if—

- (a) it is a qualifying lease,
- (b) it is not a lease in relation to which *cumulo* rent is payable, and
- (c) the landlord, not later than 2 months before the appointed day, registers against the title of the tenant—
 - (i) an agreement entered into with the tenant, or
 - (ii) an order made by the Lands Tribunal under section 69.

(2) The agreement must—

- (a) be in the prescribed form,
- (b) be signed by or on behalf of the landlord and the tenant,

Changes to legislation: There are currently no known outstanding effects for the Long Leases (Scotland) Act 2012, Cross Heading: Types of exempt lease. (See end of Document for details)

(c) state either—

- (i) that the annual rent payable under the lease immediately before the appointed day will be over £100, or
- (ii) that the annual rent paid under the lease was over £100 at any point during the relevant period.

(3) The relevant period is the period of 5 years ending on the day the Bill for this Act received Royal Assent.

Commencement Information

- I4** S. 64(1)(2)(b)(2)(c)(3) in force at 21.2.2014 by [S.S.I. 2013/322](#), [art. 3\(e\)](#)
- I5** S. 64(2)(a) in force at 28.11.2013 for specified purposes by [S.S.I. 2013/322](#), [art. 2\(m\)](#), [Sch.](#)
- I6** S. 64(2)(a) in force at 21.2.2014 in so far as not already in force by [S.S.I. 2013/322](#), [art. 3\(e\)](#)

65 Certain leases registered near or after the appointed day

A lease is an exempt lease if—

- (a) it is not registered on the day falling 1 year before the appointed day,
- (b) it would, had it been so registered, have been converted on the appointed day into a right of ownership under section 4(1)(a),
- (c) despite not being registered, it constitutes a real right in land, and
- (d) it is subsequently registered (whether before, on or after the appointed day).

Commencement Information

- I7** [S. 65](#) in force at 28.11.2013 by [S.S.I. 2013/322](#), [art. 2\(f\)](#)

66 Subleases of exempt leases

A sublease of an exempt lease is an exempt lease if—

- (a) it would have been converted on the appointed day into a right of ownership under section 4(1)(a), had the sublease been registered immediately before the appointed day, and
- (b) it is registered (before, on or after the appointed day).

Commencement Information

- I8** [S. 66](#) in force at 28.11.2013 by [S.S.I. 2013/322](#), [art. 2\(f\)](#)

Changes to legislation:

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