



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”).

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,
- (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.

Status: This is the original version (as it was originally enacted).

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

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).

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).