



Long Leases (Scotland) Act 2012

2012 asp 9

PART 1

CONVERSION OF LONG LEASE TO OWNERSHIP

Determination of “qualifying lease”

1 Meaning of “qualifying lease”

- (1) A lease is a “qualifying lease” if it complies with subsection (3).
- (2) Subsection (1) is subject to section 3.
- (3) A lease complies with this subsection if, immediately before the appointed day, it is a right of lease in land—
 - (a) which is registered,
 - (b) granted for a period of more than 175 years, and
 - (c) in respect of which the unexpired portion of that period is—
 - (i) where the subjects of the lease wholly or mainly comprise a private dwelling house, more than 100 years,
 - (ii) in any other case, more than 175 years.
- (4) But a lease does not so comply if—
 - (a) the annual rent payable under the lease is over £100,
 - (b) the subjects of the lease include a harbour (either wholly or partly) in relation to which there is a harbour authority,
 - (c) it is one granted for the sole purpose of allowing the tenant to install and maintain pipes or cables, or
 - (d) it is one either—
 - (i) of minerals, or
 - (ii) which includes minerals and in respect of which a royalty, lordship or other payment of rent determined by reference to the exploitation of those minerals is or may be payable.
- (5) Where a lease is divided (whether as a result of partial assignation or otherwise), each part is treated as a separate lease for the purposes of this Act.

Status: This is the original version (as it was originally enacted).

- (6) For the purposes of subsection (3)(c)(i), “dwelling house” includes any yard, garden, outbuilding or other pertinent.