

Long Leases (Scotland) Act 2012

2012 asp 9

PART 3

ALLOCATION OF RENTS AND RENEWAL PREMIUMS ETC.

Allocation of rent

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.
- (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.

Commencement Information

11 S. 40 in force at 21.2.2014 by [S.S.I. 2013/322](#), [art. 3\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Long Leases (Scotland) Act 2012, Section 40.