Long Leases (Scotland) Act 2012

2012 asp 9

PART 3

ALLOCATION OF RENTS AND RENEWAL PREMIUMS ETC.

Allocation disputed or not made

44 Allocation disputed or not made: reference to Lands Tribunal

(1) This section applies where—

(a) a tenant under a lease referred to in section 39(1)(a) disputes the allocation made under section 39(2),

(b) a tenant under a lease referred to in section 40(5) disputes the allocation made under section 40(2),

(c) a tenant under a lease referred to in section 42(5) disputes the allocation made under section 42(2),

(d) a tenant under a partially continuing lease disputes the allocation made under section 41(1) or section 43(2),

(e) a landlord under a lease referred to in section 40(5) or 42(5) does not, within the period of 2 years beginning with the appointed day, give notice to a tenant of an allocation under section 40(2) or 42(2), or

(f) a landlord under a partially continuing lease does not, within the period of 2 years beginning with the appointed day, give notice to a tenant of—

(i) an allocation under section 41(1), or

(ii) where section 43 applies to the lease, an allocation under subsection (2) of that section.

(2) The tenant may apply to the Lands Tribunal for an order—

(a) where this section applies by virtue of subsection (1)(a), fixing the annual rent payable under the lease from the day the landlord gave notice to the tenant of the allocation,

(b) in any other case, fixing the annual rent or (as the case may be) the renewal premium payable under the lease from the appointed day.

(3) Where this section applies by virtue of subsection (1)(a) to (d), an application under subsection (2) must be made before the expiry of the period of 56 days beginning with the day on which the landlord gives notice to the tenant of the allocation.

Commencement Information

I1 S. 44 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 44.