

*These notes relate to the Coronavirus (Scotland) Act
2020 (asp 7) which received Royal Assent on 6 April 2020*

CORONAVIRUS (SCOTLAND) ACT 2020

EXPLANATORY NOTES

DETAIL ABOUT PROVISIONS

Schedule 7 - Other measures in response to coronavirus

Irritancy clauses in commercial leases

262. Section 4 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 provides that a landlord must give a tenant at least 14 days' notice before terminating a commercial lease due to non-payment of rent. Paragraph 7 of schedule 7 provides that section 4 of the 1985 Act has effect as if this period is 14 weeks. This will mean that landlords will have to give at least 14 weeks' notice to tenants before being able to terminate a commercial lease for non-payment of rent by the tenant.
263. The provisions enable the Scottish Ministers to alter the new 14 week period by regulations. They also make it clear that the new 14 week period applies irrespective of whether a notice has already been served (provided the 14 day period has not already expired) and irrespective of whether the circumstance which would entitle the landlord to terminate the lease already exist.