



# Long Leases (Scotland) Act 2012

## 2012 asp 9

### PART 6

#### GENERAL AND MISCELLANEOUS

##### *Miscellaneous*

#### **79 Amendments to enactments**

The schedule makes minor and consequential amendments.

#### **80 Interpretation**

(1) In this Act, unless the context otherwise requires—

“the 2003 Act” means the Title Conditions (Scotland) Act [2003 \(asp 9\)](#),

“additional payment” has the meaning given by section 50,

“appointed day” has the meaning given by section 70,

“compensatory payment” has the meaning given by section 45,

“*cumulo* renewal premium” has the meaning given by section 38(1),

“*cumulo* rent” has the meaning given by section 38(1),

“exempt lease” has the meaning given by section 62,

“freshwater fish” means any fish living in fresh water—

(a) including trout and eels (and the fry of eels),

(b) excluding salmon and any kind of fish which migrate between the open sea and tidal waters,

“harbour” and “harbour authority” have the meanings given by section 57(1) of the Harbours Act [1964 \(c.40\)](#),

“Keeper” means Keeper of the Registers of Scotland,

“land” includes anything held or which, by its nature, may be held as a separate tenement,

“landlord”, in relation to a lease, means the person who has right as landlord under the lease whether or not such person has completed title (and, where more than one person comes within that description, the person who most recently acquired that right),

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*Status: This is the original version (as it was originally enacted).*

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“Lands Tribunal” means Lands Tribunal for Scotland,  
 “lease” includes a sublease,  
 “owner”, in relation to any land, means the person who has right to the land whether or not such person has completed title (and, where more than one person comes within that description, the person who most recently acquired that right),  
 “partially continuing lease” has the meaning given by section 37,  
 “prescribed” means prescribed by the Scottish Ministers in regulations,  
 “qualifying lease” has the meaning given by section 1(1),  
 “qualifying condition” means a condition which qualifies under section 10,  
 “Register of Sasines” has the same meaning as in section 2 of the Conveyancing (Scotland) Act 1924 (c.27),  
 “registered” means registered in the Land Register of Scotland or (as the case may be) recorded in the Register of Sasines; and cognate expressions are to be construed accordingly,  
 “renewal obligation” has the meaning given by section 37,  
 “renewal period” has the meaning given by section 37,  
 “renewal premium” has the meaning given by section 37,  
 “sporting right” has the meaning given by section 8(1),  
 “superior lease” has the meaning given by section 4, and  
 “tenant”, in relation to a lease, means the person who has right as tenant under the lease, whether or not such person has completed title (and where more than one person comes within that description, the person who most recently acquired that right).

- (2) Subject to the provisions of this Act, expressions used in this Act and in the 2003 Act have the same meaning in this Act as they do in that Act.

## **81 Ancillary provision**

- (1) The Scottish Ministers may by order make such supplementary, incidental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of or in connection with this Act.
- (2) Subject to subsection (3), an order under subsection (1) is subject to the negative procedure.
- (3) An order under subsection (1) which adds to, replaces or omits any part of the text of an Act (including this Act) is subject to the affirmative procedure.

## **82 Subordinate legislation**

- (1) Any power of the Scottish Ministers to make an order under section 78(5) or regulations under this Act includes power to make—
- (a) such incidental, consequential, supplementary, transitional, transitory or saving provision as the Scottish Ministers think necessary or expedient, and
  - (b) different provision for different purposes.
- (2) Orders under section 78(5) and regulations under this Act are subject to the negative procedure.

**83 Commencement**

- (1) Sections 81 and 82, this section and section 84 come into force on the day of Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.
- (3) An order under subsection (2) may include such transitional, transitory or saving provision as the Scottish Ministers consider necessary or expedient in connection with the commencement of this Act.

**84 Short title**

The short title of this Act is the Long Leases (Scotland) Act 2012.