



Long Leases (Scotland) Act 2012

2012 asp 9

PART 1

CONVERSION OF LONG LEASE TO OWNERSHIP

Consequences of conversion

5 Extinction of certain rights and obligations

- (1) Subject to subsection (2), and sections 6 and 7 and Part 2, all rights and obligations arising (whether expressly or by implication) from—
 - (a) a qualifying lease, and
 - (b) any superior lease,are extinguished on the appointed day.
- (2) Subsection (1) does not affect any right or obligation arising from a lease mentioned in that subsection in so far as that right or obligation is, by its nature, enforceable only as a personal right or obligation, that is to say, the right or obligation could not be enforced by or against the successor of a party to the lease.
- (3) Despite subsection (1)—
 - (a) rent continues to be payable for any period before the appointed day, and
 - (b) if (in so far as so payable) it has not fallen due before that day, it falls due on that day.
- (4) Subject to subsection (5)—
 - (a) on or after the appointed day, no proceedings for enforcement of any such rights or obligations as are mentioned in subsection (1) may be commenced,
 - (b) any proceedings already commenced for such enforcement are deemed to have been abandoned on that day and may, without further process and without any requirement that full judicial expenses be paid by the pursuer, be dismissed accordingly, and
 - (c) any decree or interlocutor already pronounced in proceedings for such enforcement is deemed to have been reduced or (as the case may be) recalled on that day.

Status: This is the original version (as it was originally enacted).

- (5) Subsection (4) does not affect any proceedings, decree or interlocutor in relation to—
- (a) a right or obligation which subsists by virtue of section 6,
 - (b) a right or obligation which is created under section 7,
 - (c) a right or obligation which is converted under Part 2,
 - (d) a right to recover damages or to the payment of money (including rent), or
 - (e) a right of irritancy.