



Long Leases (Scotland) Act 2012

2012 asp 9

PART 2

CONVERSION OF CERTAIN LEASEHOLD CONDITIONS TO REAL BURDENS

Applications relating to section 14

21 Lands Tribunal order

- (1) This section applies where an entitled person cannot proceed under section 14(2) because none of the conditions set out in subsection (4) (“the conversion conditions”) of that section are met.
- (2) The entitled person may apply to the Lands Tribunal for an order under subsection (5).
- (3) An application may be made under subsection (2) only if the entitled person has first, in pursuance of section 17, attempted to reach agreement as respects the qualifying condition in question with the tenant under the qualifying lease.
- (4) An application under subsection (2)—
 - (a) must include a description by the entitled person of the requisite attempt to reach agreement, and
 - (b) must be made not later than 1 year after the day on which this section comes into force.
- (5) The Lands Tribunal may make an order dispensing with the need for any of the conversion conditions to be met if satisfied that, were the qualifying condition to be extinguished, there would be material detriment to the value or enjoyment of the entitled person’s ownership (taking such person to have ownership) of the land which is to be identified, in pursuance of section 14(3)(d), as a benefited property.
- (6) The decision of the Lands Tribunal on an application under subsection (2) is final.
- (7) A person opposing an application made under subsection (2) incurs no liability in respect of expenses incurred by the entitled person unless, in the opinion of the Lands Tribunal, the actings of the person opposing are vexatious or frivolous.

Status: This is the original version (as it was originally enacted).

22 Dealing with application under section 21

- (1) This section applies where the Lands Tribunal receives an application under section 21.
- (2) The Lands Tribunal must give notice of the application, whether by way of advertisement or otherwise, to—
 - (a) the tenant under the qualifying lease, and
 - (b) if the Lands Tribunal thinks fit, any other person.
- (3) Any person (whether or not the person has received notice under subsection (2)) who—
 - (a) is a tenant under the qualifying lease, or
 - (b) is affected by that qualifying condition or by its proposed constitution as a real burden,may oppose or make representations in relation to the application.
- (4) The Lands Tribunal—
 - (a) must allow any such person as is mentioned in subsection (3), and
 - (b) may allow any other person who appears to it to be affected by the qualifying condition to which the application relates or its proposed constitution as a real burden,to be heard in relation to the application.