



Long Leases (Scotland) Act 2012

2012 asp 9

PART 1

CONVERSION OF LONG LEASE TO OWNERSHIP

Determination of “qualifying lease”

1 Meaning of “qualifying lease”

- (1) A lease is a “qualifying lease” if it complies with subsection (3).
- (2) Subsection (1) is subject to section 3.
- (3) A lease complies with this subsection if, immediately before the appointed day, it is a right of lease in land—
 - (a) which is registered,
 - (b) granted for a period of more than 175 years, and
 - (c) in respect of which the unexpired portion of that period is—
 - (i) where the subjects of the lease wholly or mainly comprise a private dwelling house, more than 100 years,
 - (ii) in any other case, more than 175 years.
- (4) But a lease does not so comply if—
 - (a) the annual rent payable under the lease is over £100,
 - (b) the subjects of the lease include a harbour (either wholly or partly) in relation to which there is a harbour authority,
 - (c) it is one granted for the sole purpose of allowing the tenant to install and maintain pipes or cables, or
 - (d) it is one either—
 - (i) of minerals, or
 - (ii) which includes minerals and in respect of which a royalty, lordship or other payment of rent determined by reference to the exploitation of those minerals is or may be payable.
- (5) Where a lease is divided (whether as a result of partial assignation or otherwise), each part is treated as a separate lease for the purposes of this Act.

Changes to legislation: There are currently no known outstanding effects for the Long Leases (Scotland) Act 2012, Section 1. (See end of Document for details)

(6) For the purposes of subsection (3)(c)(i), “dwelling house” includes any yard, garden, outbuilding or other pertinent.

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Commencement Information

II [S. 1](#) in force at 28.11.2013 by [S.S.I. 2013/322](#), [art. 2\(a\)](#)

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