

2014 No. 8

LAND REFORM

The Long Leases (Appeal Period) (Scotland) Order 2014

Made - - - - *9th January 2014*
Laid before the Scottish Parliament *13th January 2014*
Coming into force - - *6th March 2014*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 78(5)(b) of the Long Leases (Scotland) Act 2012^(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Long Leases (Appeal Period) (Scotland) Order 2014 and comes into force on 6th March 2014.

Period for appeal to the court or Lands Tribunal against Keeper's rejection of notice or agreement

2. Section 78(2) of the Long Leases (Scotland) Act 2012 applies only where the application to the court or the Lands Tribunal (which resulted in the determination mentioned in that subsection) is made before the expiry of the period of 8 weeks beginning with the day after the day on which the Keeper rejected the notice or agreement mentioned in section 78(1) of that Act.

R CUNNINGHAM
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
9th January 2014

^(a) 2012 asp 9.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 78 of the Long Leases (Scotland) Act 2012 (“the Act”) provides that certain notices and agreements are registrable in the Land Register of Scotland or the Register of Sasines despite having been rejected by the Keeper of the Registers of Scotland (“the Keeper”).

These notices and agreements can be registered following a determination by the Court of Session, the sheriff court or the Lands Tribunal for Scotland that they are registrable. This Order provides that any application for such a determination must be made no later than 8 weeks after the rejection by the Keeper. That determination may be sought in respect of:—

- (a) a notice submitted before the appointed day for registration under section 8(2) of the Act (conversion of reserved sporting rights) or Part 2 of the Act (conversion of certain leasehold conditions to real burdens);
- (b) an agreement submitted before the appointed day for registration under section 17(1)(c) of the Act (conversion by agreement of a qualifying condition to a real burden);
- (c) an exemption notice submitted before the day falling 2 months before the appointed day for registration under section 63 of the Act (exemption notice); and
- (d) an agreement submitted before the day falling 2 months before the appointed day for registration under section 64(1)(c) of the Act (agreement that annual rent under the lease exceeds £100).

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