



Land Registration (Scotland) Act 1979

1979 CHAPTER 33

PART IV

MISCELLANEOUS AND GENERAL

20 Tenants-at-will.

- (1) A tenant-at-will shall be entitled, in accordance with this section, to acquire his landlord's interest as such in the land which is subject to the tenancy-at-will (hereinafter referred to as the "tenancy land").
- (2) Subject to section 21(2) of this Act, a tenant-at-will who wishes to acquire his landlord's interest under this section shall serve notice on him in, or as nearly as may be in, the form set out in Schedule 1 to this Act.
- (3) There shall be payable by the tenant-at-will to his landlord by way of compensation in respect of an acquisition of tenancy land such amount as may be agreed between them or, failing agreement, an amount equal to—
 - (a) the value of the tenancy land, not including any buildings thereon, but assuming that planning permission for residential purposes has been granted in respect of it; or
 - (b) one twenty-fifth of the value of the tenancy land, including any buildings thereon,whichever is the lesser, together with—
 - (i) subject to subsection (4) below, such further amount as may be required to discharge any heritable security over the tenancy land or, where the heritable security is granted over land including the tenancy land, such further amount (being such proportion of the sum secured over the land which includes the tenancy land as may reasonably be regarded as attributable to the tenancy land) as is required to restrict the heritable security so as to disburden the tenancy land^{F1} . . .
 - (ii) ^{F1}

Status: Point in time view as at 28/11/2004.

Changes to legislation: There are currently no known outstanding effects for the Land Registration (Scotland) Act 1979, Section 20. (See end of Document for details)

- (4) In respect of any acquisition under this section, the amount mentioned in paragraph (i) of subsection (3) above shall not exceed ninety per cent. of the amount fixed by virtue of paragraph (a) or (b) of that subsection.
- (5) The tenant-at-will shall reimburse the expenses reasonably and properly incurred by the landlord in conveying his interest in the tenancy land to the tenant-at-will, including the expenses of any discharge [^{F2}or restriction] under subsection (3) above.
- (6) The landlord shall, on there being tendered to him the compensation and expenses specified in this section, convey his interest in the tenancy land to his tenant-at-will on such terms and conditions (additional to those relating to compensation and expenses under subsections (3), (4) and (5) above) as may be agreed between them or, failing agreement, as may be appropriate to the circumstances of the case and free of all heritable securities ^{F3}
- (7) A heritable creditor whose security is over the tenancy land or land which includes the tenancy land, on there being tendered to him the amount mentioned in paragraph (i) of subsection (3) above (as read with subsection (4) above) and his reasonable expenses, shall discharge or, as the case may be, restrict the security so as to disburden the tenancy land.
- (8) In this section and in sections 21 and 22 of this Act, “tenant-at-will” means a person—
- (a) who, not being—
 - (i) a tenant under a lease;
 - (ii) ^{F4}
 - (iii) a tenant or occupier by virtue of any enactment,
 is by custom and usage the occupier (actual or constructive) of land on which there is a building or buildings erected or acquired for value by him or any predecessor of his;
 - (b) who is under an obligation to pay a ground rent to the owner of the land in respect of the said land but not in respect of the building or buildings on it, or would have been under such an obligation if the ground rent had not been redeemed; and
 - (c) whose right of occupancy of the land is without ish.
- (9) In subsections (5) and (6) above, references to the conveying of the landlord’s interest in tenancy land shall be construed in accordance with section 21(10) of this Act.

Textual Amendments

- F1** S. 20(3)(ii) and word “; and” immediately preceding it repealed (28.11.2004) by 2000 asp 5, ss. 76(1)(2), 77(2)(a)(c)(d), Sch. 12 Pt. 1 para. 39(8)(a), Sch. 13 Pt. 1 (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**
- F2** Words in s. 20(5) substituted (28.11.2004) by 2000 asp 5, ss. 76(1), 77(2)(a)(c), Sch. 12 Pt. 1 para. 39(8)(b) (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**
- F3** Words in s. 20(6) repealed (28.11.2004) by 2000 asp 5, ss. 76(1)(2), 77(2)(a)(c)(d), Sch. 12 Pt. 1 para. 39(8)(c), Sch. 13 Pt. 1 (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**
- F4** S. 20(8)(a)(ii) repealed (28.11.2004) by 2000 asp 5, ss. 76(1)(2), 77(2)(a)(c)(d), Sch. 12 Pt. 1 para. 39(8)(d), Sch. 13 Pt. 1 (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**

Status:

Point in time view as at 28/11/2004.

Changes to legislation:

There are currently no known outstanding effects for the Land Registration (Scotland) Act 1979, Section 20.