Status: This is the original version (as it was originally enacted).

SCHEDULES

SCHEDULE 4

PREMISES OCCUPIED UNDER LEASES

PART II

OCCUPATION BY PROVIDER OF SERVICES

Joining lessors in proceedings under section 25

- 7 (1) In any proceedings on a claim under section 25, in a case to which this Part of this Schedule applies, the plaintiff, the pursuer or the occupier concerned may ask the court to direct that the lessor be joined or sisted as a party to the proceedings.
 - (2) The request shall be granted if it is made before the hearing of the claim begins.
 - (3) The court may refuse the request if it is made after the hearing of the claim begins.
 - (4) The request may not be granted if it is made after the court has determined the claim.
 - (5) Where a lessor has been so joined or sisted as a party to the proceedings, the court may determine—
 - (a) whether the lessor has—
 - (i) refused consent to the alteration, or
 - (ii) consented subject to one or more conditions, and
 - (b) if so, whether the refusal or any of the conditions was unreasonable.
 - (6) If, under sub-paragraph (5), the court determines that the refusal or any of the conditions was unreasonable it may take one or more of the following steps—
 - (a) make such declaration as it considers appropriate;
 - (b) make an order authorising the occupier to make the alteration specified in the order;
 - (c) order the lessor to pay compensation to the complainant.
 - (7) An order under sub-paragraph (6)(b) may require the occupier to comply with conditions specified in the order.
 - (8) If the court orders the lessor to pay compensation it may not order the occupier to do so.