



Long Leases (Scotland) Act 1954

1954 CHAPTER 49

PART I

GRANT OF FEU RIGHT OF PROPERTY LET UNDER CERTAIN LONG LEASES

General provisions relating to grant of feu right

1 Lessee or sub-lessee under certain long leases may require landlord to grant feu right

- (1) Subject to the (provisions of this Part of this Act, where any property is let under a lease granted before the tenth day of August, nineteen hundred and fourteen, for a period of not less than fifty years, and such property or a part thereof is occupied as a private dwelling-house forming his usual residence by the lessee under such lease or by the sub-lessee under a sublease granted for a period of not less than fifty years, such lessee or sub-lessee so occupying (hereafter in this Part of this Act referred to as the " occupying lessee ") may give notice to the landlord under the lease requiring him to grant a feu right of the property or, where the occupying lessee is so occupying a part only of the property, of such part.
- (2) Any notice under this section shall be given within five years after the commencement of this Act.
- (3) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—
 - " landlord " means any person for the time being holding the interest of landlord under a lease ;
 - " lease " means such a lease as is mentioned in subsection (1) of this section and does not include a sub-lease;
 - " lessee " means any person for the time being holding the interest of lessee under a lease ;
 - " sub-lease " means such a sub-lease as is mentioned in subsection (1) of this section of the property let under a lease or of a part of such property ; and

Status: This is the original version (as it was originally enacted).

" sub-lessee " means any person for the time being holding the interest of lessee under a sub-lease.

(4) For the purposes of this Part of this Act,—

- (a) where a lease or a sub-lease has been assigned by *ex facie* absolute assignation, the person for the time being having the right of reversion in such lease or sub-lease shall be deemed to hold the interest of lessee thereunder;
- (b) any garden, yard, garage, outhouse or pertinent belonging to and occupied along with any dwelling-house shall be deemed to form part of such dwelling-house ;
- (c) a dwelling-house shall be deemed to be occupied as a private dwelling-house notwithstanding that a part thereof is used as a shop or office or for business, trade or professional purposes other than the sale of excise-able liquor for consumption on the premises.