



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

- 5 Power to certain landlords who have acquired property for occupation as residence, etc., to apply to sheriff for declarator refusing grant of feu right**
- (1) Where the landlord under a lease acquired his interest thereunder during the period beginning with the first day of January, nineteen hundred and thirty-nine, and ending with the ninth day of May, nineteen hundred and fifty-one, and a notice requiring the grant of a feu right of any subjects let under such lease is given under section one of this Act by an occupying lessee, the provisions of this section shall have effect.
- (2) Such landlord may, within two months after the date of the notice referred to in the foregoing subsection, apply to the sheriff for a declarator that the occupying lessee is not entitled under this Part of this Act to the grant of a feu right of the said subjects and the sheriff shall pronounce such declarator if he is satisfied—
- (a) that the landlord acquired his interest under the lease—
 - (i) for the purpose of occupying the subjects as a residence for himself ;
or
 - (ii) for the purpose of development involving demolition, alteration or reconstruction of the subjects or a substantial part thereof, being development for which permission under the enactments relating to town and country planning has been granted, or is deemed to have been granted, or is not required; and
 - (b) that, having regard to all the circumstances of the case, greater hardship would be caused to the landlord if a feu right of the subjects were granted than would be caused to the occupying lessee if it were not granted.

Status: This is the original version (as it was originally enacted).

- (3) In determining whether greater hardship would be caused if a feu right of the said subjects were granted than if it were not granted, the sheriff shall (without prejudice to the generality of paragraph (b) of the last foregoing subsection)—
- (a) have regard to the considerations that, if he pronounces a declarator under this section, the occupying lessee will not be entitled under this Part of this Act to the grant of a feu right of the subjects, and that no provision is made in this Act for payment to the occupying lessee of compensation in that event; and
 - (b) disregard the fact that, if he refuses to pronounce such declarator and a feu right of the subjects is granted under this Part of this Act, such feu right will be granted on the financial terms set out in sections seven to nine of this Act.