



# Long Leases (Scotland) Act 1954

## 1954 CHAPTER 49

### PART I

#### GRANT OF FEU RIGHT OF PROPERTY LET UNDER CERTAIN LONG LEASES

##### *Payments to be made where feu right granted*

- 7 Sums payable to landlord by occupying lessee in respect of feu right of subjects let under lease with one hundred years or less unexpired**
- (1) Where a feu right of any subjects is to be granted under this Part of this Act by the landlord under a lease the unexpired period of which at the date of the notice given under section one of this Act by the occupying lessee does not exceed one hundred years, there shall be payable to the landlord by the occupying lessee in respect of the feu right—
- (a) an amount calculated in accordance with the provisions of the next following subsection and payable—
    - (i) wholly by way of a lump sum ; or
    - (ii) wholly by way of an annual sum which shall be equal to one-twentieth of the said amount and shall form part of the feu-duty hereinafter mentioned; or
    - (iii) as to a part thereof, by way of a lump sum, and as to the remaining part thereof, by way of an annual sum which shall be equal to one-twentieth of such remaining part and shall form part of the feu-duty hereinafter mentioned;as may be determined by agreement between the parties and, in default of such agreement, one half of the said amount shall be payable by way of a lump sum and one half by way of an annual sum;
  - (b) a feu-duty equal to the aggregate of the following sums:—
    - (i) a sum equal to the rent payable under the lease or the proportion of such rent attributable to the subjects to be comprised in the feu right, as the case may be ; and

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*Status: This is the original version (as it was originally enacted).*

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- (ii) a sum in respect of the casualties (if any) payable under the lease equal to one-twentieth of the appropriate amount determined in accordance with the provisions of the Second Schedule to this Act; and
  - (iii) any annual sum payable as provided in paragraph (a) of this subsection.
- (2) The amount referred to in paragraph (a) of the foregoing subsection shall be such amount as would, with compound interest at five per centum per annum with yearly rests for the period of the lease which is unexpired at the date of the notice referred to in the said subsection, produce at the end of the said period a sum equal to the value, as determined in accordance with the provisions of the next following subsection, of the subjects to be comprised in the feu right.

Where the unexpired period of any lease is less than thirty years at the commencement of this Act, then for the purposes of this subsection such lease shall be deemed to expire on a date thirty years after such commencement.
- (3) For the purposes of the last foregoing subsection, the value of the subjects shall be determined by agreement between the parties or, in default of such agreement, by a valuer agreed by the parties or, in case of dispute, appointed by the sheriff, and—
  - (a) such value shall be estimated as if the lease had expired at the commencement of this Act and the subjects were being sold in the open market at such commencement with vacant possession and subject to a feu-duty equal to the rent payable under the lease or the proportion of such rent attributable to the subjects, as the case may be; and
  - (b) if the lease contains a stipulation for payment of compensation by the landlord on the termination thereof, then in estimating such value account shall be taken of such compensation as if the lease had expired at the commencement of this Act.
- (4) Any lump sum payable under subsection (1) of this section shall bear interest at the rate of five per centum per annum from the date of entry under the feu right until paid.