



Leasehold Casualties (Scotland) Act 2001

2001 asp 5

3 Calculation of compensation

(1) Subject to subsection (2) below, where by virtue of section 2(1) of this Act a tenant is liable to pay compensation, the amount payable shall be—

(a) in a case where—

- (i) a period of eighty or more years of the relevant lease is unexpired on the relevant day; and
- (ii) the lease stipulated for payment of a casualty of an unvarying amount at fixed and regularly recurring intervals of nineteen, twenty, twenty-one, twenty-five or, as the case may be, thirty years,

the product of the amount of the casualty and the multiplier obtained from the Table of Multipliers in schedule 1 to this Act (the reference in the first column of that table to the relevant period being a reference to the period (if any) between the relevant day and the date on which the casualty would, but for this Act, next be payable);

(b) in a case where—

- (i) sub-paragraph (ii), but not sub-paragraph (i), of paragraph (a) above is satisfied; or
- (ii) the relevant lease stipulated for payment of a casualty of an unvarying amount at fixed and regularly recurring intervals other than any interval mentioned in sub-paragraph (ii) of that paragraph,

the product of the amount of the casualty and the multiplier obtained in accordance with schedule 2 to this Act;

(c) in a case where the relevant lease stipulated for—

- (i) payment of a casualty on, or by reference to, the entry of an assignee; and
- (ii) the payment to be made at any time other than on the death of the person who last paid a casualty,

the product of the amount of the casualty and 0.75;

(d) in a case where the relevant lease stipulated for payment of a casualty on, or by reference to—

- (i) the entry of an heir; or
- (ii) the death of any person,

the product of the amount of the casualty and 0.03; and

Status: This is the original version (as it was originally enacted).

- (e) in any other case, the sum of the discounted values as at the relevant day of the amounts which would, but for this Act, have been payable in respect of the casualty; and any dispute as to the amount payable under this paragraph shall be referred to and determined by the Lands Tribunal for Scotland.
- (2) Where compensation is payable in respect of the extinction of a casualty based on the rent (other than ground rent or tack duty), or rental value, of the land held under the relevant lease, subsection (1) above shall apply subject to the following modifications—
- (a) in each of paragraphs (a) to (d) of that subsection, for the words “amount of the casualty” there shall be substituted the words “amount of the ground rent or, as the case may be, tack duty payable under the relevant lease”; and
 - (b) in paragraph (e) of that subsection, the amounts which would have been payable shall be taken to be amounts each of which is equal to the ground rent or, as the case may be, tack duty payable under the relevant lease; but no other modification of the terms of the casualty (including any provision as to when the casualty is payable) shall be made for the purposes of this paragraph.