



Long Leases (Scotland) Act 2012

2012 asp 9

PART 3

ALLOCATION OF RENTS AND RENEWAL PREMIUMS ETC.

Key terms

37 Partially continuing leases and renewal obligations etc.

In this Act—

“partially continuing lease” means a lease which, on the appointed day—

- (a) is extinguished by virtue of Part 1, in respect of part of the subjects of the lease (such subjects being referred to in this Act as the “converted subjects”), and
- (b) whether by exemption under Part 5 or otherwise, continues in respect of any other subjects (such subjects being referred to in this Act as the “continuing subjects”),

“renewal obligation” means an obligation on the landlord under a lease to renew it after a fixed period on payment by the tenant of a premium,

“renewal period” means, in relation to a renewal obligation, the fixed period after which the landlord must renew the lease,

“renewal premium” means, in relation to a renewal obligation, the premium payable.

38 *Cumulo* rent and *cumulo* renewal premium

(1) In this Act—

“*cumulo* rent” means, subject to subsection (2), a single rent payable in relation to two or more leases, and

“*cumulo* renewal premium” means, subject to subsections (2) to (4), a single renewal premium payable in relation to two or more leases.

(2) Where such rent or renewal premium—

- (a) has been apportioned between—
 - (i) those leases, or

Status: This is the original version (as it was originally enacted).

- (ii) some of those leases, and
 - (b) the parties to those leases consented (whether expressly or by implication) to the apportionment,
any rent or renewal premium so apportioned is not *cumulo* rent or (as the case may be) not a *cumulo* renewal premium and is the rent or renewal premium payable under the lease for the purposes of this Act.
- (3) Subsection (4) applies if—
 - (a) subsection (2) applies to rent payable under two or more leases, and
 - (b) a single renewal premium is payable under the leases.
- (4) For the purposes of this Act—
 - (a) the renewal premium is to be treated as if it were apportioned between the leases in the same proportion as the apportionment of rent, and
 - (b) that apportioned renewal premium is the renewal premium payable under the lease.