



# Long Leases (Scotland) Act 2012

## 2012 asp 9

### PART 4

#### COMPENSATION FOR LOSS OF LANDLORD'S RIGHTS

##### *Compensatory payment*

#### **45 Requiring compensatory payment**

- (1) This section applies where, on the appointed day, the rights of a landlord under a lease are extinguished by virtue of Part 1.
- (2) The former landlord under such a lease may serve on the former tenant a notice in the prescribed form requiring that a compensatory payment be made to the former landlord by the former tenant.
- (3) The compensatory payment must be—
  - (a) calculated in accordance with section 47, and
  - (b) specified in the notice.
- (4) A notice served under subsection (2) must be—
  - (a) served before the expiry of the period of 2 years beginning with the appointed day, and
  - (b) accompanied by a copy of the prescribed explanatory note.
- (5) Where the compensatory payment required is equal to or greater than £50, the former landlord must, together with the notice served under subsection (2), serve on the former tenant an instalment document.
- (6) This section is subject to section 56.
- (7) In this Act—
  - “compensatory payment” means a payment of the kind mentioned in subsection (2),
  - “instalment document” is to be construed in accordance with section 57(2).

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**Changes to legislation:** There are currently no known outstanding effects for the Long Leases (Scotland) Act 2012, Cross Heading: Compensatory payment. (See end of Document for details)

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**Commencement Information**

**I1** [S. 45](#) in force at 28.11.2013 by [S.S.I. 2013/322](#), [art. 2\(d\)](#)

**46 Making compensatory payment**

- (1) This section applies where the former landlord has served notice in accordance with section 45.
- (2) The former tenant must, before the expiry of the period of 56 days beginning with the day on which the notice is served, make the compensatory payment to the former landlord.
- (3) Subsection (2) is subject to section 57.

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**Commencement Information**

**I2** [S. 46](#) in force at 28.11.2013 by [S.S.I. 2013/322](#), [art. 2\(d\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Long Leases (Scotland) Act 2012, Cross  
Heading: Compensatory payment.