



Long Leases (Scotland) Act 2012

2012 asp 9

PART 5

EXEMPTION FROM CONVERSION AND CONTINUING LEASES

Supplementary

68 Exemption and recall notices: supplementary

- (1) Subsections (2) and (3) apply to a tenant under a lease where—
 - (a) the lease is a qualifying lease and the tenant intends to execute and register an exemption notice, or
 - (b) the lease is an exempt lease and the tenant intends to execute and register a recall notice.
- (2) Except where it is not reasonably practicable to do so, the tenant must, before the notice is executed, send by post to the person registered as landlord under the lease and (as the case may be) the person registered as landlord under any superior lease a copy of—
 - (a) the notice, and
 - (b) the prescribed explanatory note.
- (3) Before the notice is executed, the tenant must state in the notice either—
 - (a) that a copy of the notice has been sent in accordance with subsection (2), or
 - (b) that it was not reasonably practicable for such a copy to be sent (and the reasons why that was so).
- (4) An exemption notice or (as the case may be) recall notice must be registered against the title of the tenant who executed the notice.

69 Application to Lands Tribunal for order confirming rent

- (1) A landlord under a lease may apply to the Lands Tribunal for an order confirming either—
 - (a) that the annual rent payable under the lease immediately before the appointed day will be over £100, or

Status: This is the original version (as it was originally enacted).

- (b) that the annual rent paid under the lease was over £100 at any point during the relevant period.
- (2) The relevant period is the period of 5 years ending on the day the Bill for this Act received Royal Assent.
- (3) An application may be made under subsection (1) only if the landlord has first attempted to reach agreement as respects the annual rent with the tenant under the lease.
- (4) The application—
 - (a) must include a description by the landlord of the requisite attempt to reach agreement, and
 - (b) must be made not later than 1 year after the day on which this section comes into force.
- (5) The Lands Tribunal must give notice of the application, whether by way of advertisement or otherwise, to the tenant.
- (6) The tenant may oppose or make representations in relation to the application.
- (7) The Land Tribunal must allow the tenant to be heard in relation to the application.
- (8) The decision of the Lands Tribunal on an application under subsection (1) is final.
- (9) A tenant opposing an application made under subsection (1) incurs no liability in respect of expenses incurred by the landlord unless, in the opinion of the Lands Tribunal, the actings of the tenant are vexatious or frivolous.