



# Long Leases (Scotland) Act 2012

## 2012 asp 9

### PART 1

#### CONVERSION OF LONG LEASE TO OWNERSHIP

##### *Consequences of conversion*

#### **8 Conversion of reserved sporting rights**

- (1) This section applies where a right of—
  - (a) game, or
  - (b) fishing,is reserved (whether expressly or by implication) from a qualifying lease or superior lease (such a right being referred to in this Act as a “sporting right”).
- (2) A landlord may, before the appointed day, execute and register a notice in the prescribed form.
- (3) The notice must—
  - (a) set out the title of the landlord,
  - (b) identify the land affected by the sporting right,
  - (c) set out the terms of such right, and
  - (d) set out the terms of any counter-obligation to the right.
- (4) For the purposes of subsection (2)—
  - (a) a notice is registered only when registered against the land identified in pursuance of subsection (3)(b), and
  - (b) the notice may be registered against the title of the owner of the land or the tenant under the qualifying lease.
- (5) Before submitting a notice for registration under this section, the landlord must swear or affirm before a notary public that to the best of the knowledge and belief of the landlord all the information contained in the notice is true.
- (6) For the purposes of subsection (5)—
  - (a) if the landlord is—

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*Status: This is the original version (as it was originally enacted).*

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- (i) an individual unable by reason of legal disability, or incapacity, to swear or affirm as mentioned in that subsection, then a legal representative of the landlord may swear or affirm, or
    - (ii) not an individual, then any person authorised to sign documents on its behalf may swear or affirm, and
  - (b) any reference in that subsection to the landlord is to be construed in accordance with paragraph (a).
- (7) If subsections (2) to (6) are complied with (and immediately before the appointed day the sporting right to which the notice relates is still enforceable), on the appointed day—
  - (a) that right becomes a separate tenement in land,
  - (b) in the case of a right of game, the separate tenement comprises—
    - (i) in a case where the right is expressly reserved, the rights and obligations specified in the lease and, in so far as is consistent with those express rights and obligations, an exclusive right to take hare, pheasant, partridge, grouse, and ptarmigan (any particular type of each where applicable),
    - (ii) in a case where the right is reserved by implication, an exclusive right to take hare, pheasant, partridge, grouse and ptarmigan (any particular type of each where applicable), and
  - (c) in the case of a right of fishing, the separate tenement comprises—
    - (i) in a case where the right is expressly reserved, the rights and obligations specified in the lease and, in so far as is consistent with those express rights and obligations, an exclusive right to fish for freshwater fish,
    - (ii) in a case where the right is reserved by implication, an exclusive right to fish for freshwater fish.
- (8) Any exclusive right conferred by subsection (7)(b) is subject to section 1 of the Ground Game Act 1880 (c.47) (right of occupier to kill and take ground game).
- (9) Where a right becomes, under subsection (7)(a), a separate tenement in land—
  - (a) that right is subject to any counter-obligation enforceable immediately before the appointed day, and
  - (b) without prejudice to any other way in which such a counter-obligation may be extinguished, any such counter-obligation is extinguished on the extinction of the right.
- (10) In this section and section 9, any reference to a “landlord” is a reference—
  - (a) in a case where there is one superior lease, to the landlord under the superior lease,
  - (b) in a case where there are two or more superior leases, to the landlord under whichever of those leases is not itself subject to a superior lease.
- (11) This section is subject to section 75.