



## CHAPTER 25

An Act to make provision with regard to tenancies of  
shops in Scotland. [29th March 1949.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) If the landlord of any premises consisting of a shop and occupied by a tenant gives or has given to the tenant notice of termination of tenancy taking effect after the passing of this Act, and the tenant is unable to obtain a renewal of his tenancy on terms that are satisfactory to him, he may, at any time before the notice takes effect and not later than the expiry of twenty-one days after the service of the notice or after the passing of this Act, whichever is the later, apply to the sheriff for a renewal of his tenancy.

Provision for  
renewal of  
tenancies of  
shops.

(2) On any application under the foregoing subsection the sheriff may, subject as hereinafter provided, determine that the tenancy shall be renewed for such period, not exceeding one year, at such rent, and on such terms and conditions as he shall, in all the circumstances, think reasonable, and thereafter the parties shall be deemed to have entered into a new lease of the premises for that period, at that rent and on those terms and conditions.

(3) Notwithstanding anything in the last foregoing subsection, the sheriff may, if in all the circumstances he thinks it reasonable to do so, dismiss any application under this section, and shall not determine that a tenancy shall be renewed, if he is satisfied—

- (a) that the tenant is in breach of any condition of his tenancy which in the opinion of the sheriff is material ;  
or

- (b) that the tenant is notour bankrupt or is divested of his estate by virtue of a trust deed for behoof of creditors, or, being a company, is unable to pay its debts ; or
- (c) that the landlord has offered to sell the premises to the tenant at such price as may, failing agreement, be fixed by a single arbiter agreed on by the parties or appointed, failing such agreement, by the sheriff ; or
- (d) that the landlord has offered to afford to the tenant, on terms and conditions which in the opinion of the sheriff are reasonable, alternative accommodation which, in the opinion of the sheriff, is suitable for the purposes of the business carried on by the tenant in the premises ; or
- (e) that the tenant has given notice of termination of tenancy and in consequence of that notice the landlord has contracted to sell or let the premises or has taken any other steps as a result of which he would in the opinion of the sheriff be seriously prejudiced if he could not obtain possession of the premises ; or
- (f) that, having regard to all the circumstances of the case, greater hardship would be caused by determining that the tenancy shall be renewed than by refusing so to do.

(4) Where a tenancy has been renewed under subsection (2) of this section, the tenant shall have the like right to apply for further renewals as if the tenancy had been renewed by agreement between the landlord and the tenant, and accordingly the foregoing provisions of this section shall, with any necessary modifications, apply to a tenancy which has been renewed under the said subsection (2) or under this subsection.

(5) If on any application under this section the sheriff is satisfied that it will not be possible to dispose finally of the application before the notice of termination of tenancy takes effect, he may make an interim order authorising the tenant to continue in occupation of the premises at such rent, for such period (which shall not exceed three months) and on such terms and conditions as the sheriff may think fit.

(6) Where the Secretary of State has under Regulation fifty-one of the Defence (General) Regulations, 1939, taken possession of any such premises as aforesaid, any person who at the passing of this Act is occupying those premises with the authority of the Secretary of State shall, for the purposes of the foregoing provisions of this section, be deemed to be the tenant of the premises and to have received from the landlord thereof notice of termination of tenancy taking effect at the term of Whitsunday, nineteen hundred and forty-nine, and the Secretary of State shall be deemed to have given up possession of the premises at that term.

(7) Applications under this section shall be conducted and disposed of in the summary manner in which proceedings are conducted and disposed of under the Small Debt (Scotland) Acts, 1837 to 1889, and the decision of the sheriff in any such application shall be final and not subject to review.

2. The foregoing section shall apply to any such premises as are mentioned therein in which the interest of the landlord or tenant belongs to His Majesty in right of the Crown or to a government department or is held on behalf of His Majesty for the purposes of a government department, in like manner as the said section applies to any other such premises.

3.—(1) This Act may be cited as the Tenancy of Shops (Scotland) Act, 1949, and shall extend to Scotland only.

(2) In this Act the expression "shop" includes any shop within the meaning of the Shops Acts, 1912 to 1936, or any of those Acts.

(3) This Act shall continue in force until the thirty-first day of December, nineteen hundred and fifty, and shall then expire except as regards applications for renewal of tenancy presented before the said date and determinations thereon.

CH. 25

*Tenancy of Shops (Scotland)* 12 & 13 GEO. 6  
*Act, 1949*

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