



Long Leases (Scotland) Act 1954

1954 CHAPTER 49

PART II

EXTENSION AND AMENDMENT OF REGISTRATION OF LEASES (SCOTLAND) ACT, 1857

26 Extension of 20 and 21 Vict. c. 26

- (1) Where a lease registrable under the Registration of Leases (Scotland) Act, 1857, has not been recorded in the Register of Sasines and cannot be found, it shall be lawful to record a copy of such lease in the Register of Sasines under the said Act as if it were the lease if there is endorsed on such copy and recorded therewith a probative declaration signed by the landlord and lessee for the time being and containing—
 - (a) a statement that the lease cannot be found and that the copy is a true copy of the lease ; and
 - (b) the names and designations of the said landlord and lessee (unless such names and designations are set forth in the copy).
- (2) Where the landlord fails to sign a declaration as provided in the foregoing subsection within two months after he has been called upon to do so, the lessee may present an application to the sheriff craving him to ordain the landlord to sign the declaration within such period as to the sheriff shall seem reasonable; and, if the landlord fails to sign the declaration as so ordained, the sheriff may make an order dispensing with the signature to the declaration of the landlord and directing the sheriff clerk to sign the declaration on behalf of the landlord.
- (3) Where in pursuance of an order made by the sheriff under this section a declaration is signed by the sheriff clerk on behalf of a landlord, such declaration shall have the like force and effect as if it had been signed by such landlord.
- (4) Where in pursuance of this section a copy of any lease has been recorded in the Register of Sasines, such lease shall be deemed to have been so recorded on the date of the recording of the said copy.

27 Amendment of s. 18 of 20 and 21 Vict. c. 26

- (1) Notwithstanding the provisions of section eighteen of the Registration of Leases (Scotland) Act, 1857, (which provides that except as mentioned therein, no lease of lands and heritages shall be held to be registrable under that Act unless the name of the lands of which the subjects let consist or form a part is set forth in such lease and unless the extent of the land let is set forth in such lease and does not exceed fifty acres), no lease shall be held not to be registrable under the said Act by reason only that the name of the lands of which the subjects let consist or form a part is not set forth in such lease or by reason only that the extent of the land let is not set forth in such lease, if there is set forth in such lease a particular description of the subjects let under the lease or a description by reference of the said subjects in accordance with the provisions of the Conveyancing (Scotland) Act, 1874, and the Conveyancing (Scotland) Act, 1924, and there is endorsed on such lease and recorded therewith a probative declaration signed by the landlord and lessee for the time being stating that the extent of the land let does not exceed fifty acres.
- (2) A lease recorded in the Register of Sasines under the said Act of 1857 before the commencement of this Act shall not be held to have been invalidly recorded by reason only that the name of the lands of which the subjects let consist or form a part is not set forth in such lease or by reason only that the extent of the land let is not set forth in such lease, if there is set forth in such lease a particular description of the subjects let under the lease or a description by reference of the said subjects in accordance with the provisions of the Conveyancing (Scotland) Act, 1874, and the Conveyancing (Scotland) Act, 1924, but any deed relating to the land let under the lease or to any part of such land may be recorded in the Register of Sasines after the commencement of this Act if and only if—
 - (a) such deed contains a declaration that the extent of the land let under the lease does not exceed fifty acres ; or
 - (b) a deed relating to the land let under the lease or to such part thereof, as the case may be, has been recorded in the Register of Sasines after the commencement of this Act in pursuance of this subsection.