
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 9

LAND REFORM

The Long Leases (Prescribed Form of Notices etc.) (Scotland) Regulations 2014

Made - - - - 9th January 2014
Laid before the Scottish Parliament - - - - 13th January 2014
Coming into force - - 21st February 2014

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 8(2), 14(3)(a), 17(4)(a), 23(3)(a), 24(2)(a), 25(2)(a), 26(2)(a), 27(3)(a), 28(3)(a), 45(2) and (4)(b), 50(4)(b) and (c), 54(3)(b) and (c), 56(3)(a) and (c), 57(2), 63(b), 64(2)(a), 67(1)(b), 68(2)(b), 71(1)(c)(ii), 74(3)(a) and (b), 75(2)(b) and 82(1)(b) of the Long Leases (Scotland) Act 2012⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Long Leases (Prescribed Form of Notices etc.) (Scotland) Regulations 2014 and come into force on 21st February 2014.

(2) In these Regulations “the Act” means the Long Leases (Scotland) Act 2012.

(3) A form referred to by number in these Regulations means the form so numbered in Schedule 1 to these Regulations.

Notice for conversion of reserved sporting rights

2. (1) The notice referred to in section 8(2) of the Act (conversion of reserved sporting rights) is to be in the form of notice set out in form 1.

(2) The explanatory note to this notice referred to in section 75(2)(b) of the Act (notices: pre-registration requirements) is to be in the form of explanatory note which immediately follows form 1.

Notice for conversion of qualifying condition by nomination of benefited property

3. (1) The notice referred to in section 14(2) of the Act (conversion by nomination of benefited property) is to be in the form of notice set out in form 2.

(1) 2012 asp 9; section 80(1) contains a definition of “prescribed” relevant to the use of powers in these Regulations.

(2) The explanatory note to this notice referred to in section 75(2)(b) of the Act is to be in the form of explanatory note which immediately follows form 2.

Notice for conversion of qualifying condition by agreement

4. (1) The notice referred to in section 17(1)(a) of the Act (conversion by agreement) is to be in the form of notice set out in form 3.

(2) The explanatory note to this notice referred to in section 75(2)(b) of the Act is to be in the form of explanatory note which immediately follows form 3.

Notice for conversion to personal pre-emption or personal redemption burden

5. (1) The notice referred to in section 23(1) of the Act (conversion to personal pre-emption or redemption burden) is to be in the form of notice set out in form 4.

(2) The explanatory note to this notice referred to in section 75(2)(b) of the Act is to be in the form of explanatory note which immediately follows form 4.

Notice for conversion to economic development burden

6. (1) The notice referred to in section 24(1) of the Act (conversion to economic development burden) is to be in the form of notice set out in form 5.

(2) The explanatory note to this notice referred to in section 75(2)(b) of the Act is to be in the form of explanatory note which immediately follows form 5.

Notice for conversion to health care burden

7. (1) The notice referred to in section 25(1) of the Act (conversion to health care burden) is to be in the form of notice set out in form 6.

(2) The explanatory note to this notice referred to in section 75(2)(b) of the Act is to be in the form of explanatory note which immediately follows form 6.

Notice for conversion to climate change burden

8. (1) The notice referred to in section 26(1) of the Act (conversion to climate change burden) is to be in the form of notice set out in form 7.

(2) The explanatory note to this notice referred to in section 75(2)(b) of the Act is to be in the form of explanatory note which immediately follows form 7.

Notice for conversion to conservation burden

9. (1) The notice referred to in section 27(1) of the Act (conversion to conservation burden: rule one) is to be in the form of notice set out in form 8.

(2) The explanatory note to this notice referred to in section 75(2)(b) of the Act is to be in the form of explanatory note which immediately follows form 8.

Notice for conversion to conservation burden where conservation body or the Scottish Ministers nominated to enforce

10. (1) The notice referred to in section 28(1) of the Act (conversion to conservation burden: rule two) is to be in the form of notice set out in form 9.

(2) The explanatory note to this notice referred to in section 75(2)(b) of the Act is to be in the form of explanatory note which immediately follows form 9.

Notice requiring compensatory payment

11. (1) The notice referred to in section 45(2) of the Act (requiring compensatory payment) is to be in the form of notice set out—

- (a) in the case of *cumulo* rent, in form 10;
- (b) in the case of a partially continuing lease, in form 11;
- (c) in the ordinary case, in form 12.

(2) The explanatory note to this notice referred to in section 45(4)(b) of the Act is to be in the form of explanatory note which immediately follows form 10, 11 or 12.

Notice claiming additional payment

12. (1) The notice referred to in section 50(2) of the Act (claiming additional payment) is to be in the form of notice set out in form 13.

(2) The explanatory note to this notice referred to in section 50(4)(c) of the Act is to be in the form of explanatory note which immediately follows form 13.

Notice requiring additional payment agreed between former landlord and former tenant

13. (1) The notice referred to in section 54(2) of the Act (additional payment: amount mutually agreed) is to be in the form of notice set out in form 14.

(2) The explanatory note to this notice referred to in section 54(3)(c) of the Act is to be in the form of explanatory note which immediately follows form 14.

Notice requiring payment in excess of £500

14. (1) The preliminary notice referred to in section 56(2) of the Act (claims in excess of £500: preliminary notice) is to be in the form of notice set out—

- (a) in the case of compensatory payment exceeding £500, in form 15;
- (b) in the case of additional payment exceeding £500, in form 16.

(2) The explanatory note to this notice referred to in section 56(3)(c) of the Act is to be in the form of explanatory note which immediately follows form 15 or 16.

Instalment document

15. (1) The instalment document referred to in section 57(2)(a) of the Act (making payments by instalments) is to be in the form of document set out in form 17.

(2) The explanatory note to this document referred to in section 57(2)(b) of the Act is to be in the form of explanatory note which immediately follows form 17.

Notice seeking exemption from conversion of a qualifying lease

16. (1) The exemption notice referred to in section 63(b) of the Act (exemption of qualifying lease by registration of notice) is to be in the form of notice set out in form 18.

(2) The explanatory note to this notice referred to in section 68(2)(b) of the Act (exemption and recall notices: supplementary) is to be in the form of explanatory note which immediately follows form 18.

Agreement exempting qualifying lease by registration

17. The agreement referred to in section 64(2)(a) of the Act (exemption of qualifying lease by registration of agreement) is to be in the form of agreement set out in form 19.

Notice of recall of exemption

18. (1) The recall notice referred to in section 67(1)(b) of the Act (recall of exemption) is to be in the form of notice set out in form 20.

(2) The explanatory note to this notice referred to in section 68(2)(b) of the Act (exemption and recall notices: supplementary) is to be in the form of explanatory note which immediately follows form 20.

Service of notices

19. (1) The acknowledgement of service referred to in section 74(3)(a) of the Act (service of notices) is to be in the form of notice set out in form 21.

(2) The certificate of posting referred to in section 74(3)(b) of the Act is to be in the form of notice set out in form 22.

Table of life expectancy

20. The table of life expectancy referred to in section 71(1)(c)(ii) of the Act (determining duration of the lease) is set out in Schedule 2.

St Andrew's House, Edinburgh
9th January 2014

R CUNNINGHAM
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 1(3)

LIST OF FORMS TO BE USED IN CONNECTION WITH REGISTRATION

Form	Purpose	Relevant provision of the Act
1	Notice for conversion of reserved sporting rights	Section 8(2)
2	Notice for conversion of qualifying condition by nomination of benefited property	Section 14(2)
3	Notice seeking agreement to the conversion of qualifying condition(s)	Section 17(1)(a)
4	Notice for conversion of qualifying condition into personal pre-emption burden or personal redemption burden	Section 23(1)
5	Notice for conversion of qualifying condition into economic development burden	Section 24(1)
6	Notice for conversion of qualifying condition into health care burden	Section 25(1)
7	Notice for conversion of qualifying condition into climate change burden	Section 26(1)
8	Notice for conversion of qualifying condition into conservation burden	Section 27(1)
9	Notice for conversion of qualifying condition into conservation burden by nomination of conservation body or Scottish Ministers to have title to enforce real burden	Section 28(1)
10	Notice requiring compensatory payment etc.: <i>cumulo</i> rent	Section 45(2)
11	Notice requiring compensatory payment etc.: partially continuing lease	Section 45(2)
12	Notice requiring compensatory payment etc.: ordinary case	Section 45(2)
13	Notice requesting additional payment	Section 50(2)
14	Further notice requiring additional payment following agreement	Section 54(2)
15	Preliminary notice for compensatory payment exceeding £500	Section 56(2)
16	Preliminary notice for additional payment exceeding £500	Section 56(2)
17	Instalment document	Section 57(2)(a)
18	Notice seeking exemption from conversion of a qualifying lease	Section 63(b)

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Form	Purpose	Relevant provision of the Act
19	Agreement seeking exemption of qualifying lease by registration of agreement	Section 64(2)(a)
20	Notice recalling prior exemption from conversion of a qualifying lease	Section 67(1)(b)
21	Acknowledgement of service	Section 74(3)(a)
22	Certificate of posting	Section 74(3)(b)

Form 1

Form of notice for preservation of sporting rights

Form of explanatory note

Signature of pers
(see note for comp

Signature of nota

Date:

Form 2

Form of notice for conversion of qualifying condition by nomination of benefited property

**NOTICE SEEKING AGREEMENT TO T
QUALIFYING CONDIT**

Name and address of person sending notice:

Name and address of tenant under the qualifying lease:

**Description of land which, if agreement is reached and completed, will
be the burdened property:**

(see note for completion 1)

**Description of land which, if agreement is reached and completed, will
be the benefited property:**

(see note for completion 1)

Links in title:

(see note for completion 2)

Terms of qualifying condition(s):

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NOTICE FOR CONVERSION OF QUALIFYING CONDITIONS INTO
PERSONAL TIME-SERVICES OR BENEFIT OF PERSONAL SUBSTITUTION
BENEFIT

Name and address of person making notice:
(see rule 30.1(1)(a))

Description of land which is to be the benefited property:
(see rule 30.1(1)(b))

Terms of qualifying conditions:
(see rule 30.1(1)(c))

Any covenants or obligations:
(see rule 30.1(1)(d))

Title to enforce the qualifying conditions:
(see rule 30.1(1)(e))

Number:
(see rule 30.1(1)(f))

I make for myself that the information contained in this notice is, to the best of my
knowledge and belief, true.

Signature of person making notice:
(see rule 30.1(1)(g))

Signature of witness public:
(see rule 30.1(1)(h))

Date:

Form of explanatory note

NOTICE FOR CONVERSION OF QUALIFYING CONDITION INTO
HEALTH CARE BURDEN

Name and address of body sending notice being the Scottish Ministers:

Description of land which is to be the burdened property:

(see note for completion 1)

Terms of qualifying condition(s):

(see note for completion 2)

Any counter-obligation:

(see note for completion 2)

Statement that the qualifying condition is imposed for the purpose of promoting the provision of facilities for health care:

(with supporting evidence: see note for completion 3)

Title to enforce the qualifying condition(s):

(see note for completion 4)

Service:

(see note for completion 5)

Signature by the Scottish Ministers:

(see note for completion 6)

Date:

Form 3

Form of notice seeking agreement to the conversion of qualifying condition

NOTICE FOR CONVERSION OF QUALIFYING CONDITION CLIMATE CHANGE BURDENED PROPERTY

Name and address of body sending notice (being a public body or a Minister):

(see note for completion 1)

Description of land which is to be the burdened property:

(see note for completion 2)

Terms of qualifying condition(s):

(see note for completion 3)

Any counter-obligation:

(see note for completion 5)

Statement that the qualifying condition is imposed for the purpose of reducing greenhouse gas emissions:

(with supporting evidence: see note for completion 4)

Title to enforce the qualifying condition(s):

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Form of explanatory note

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Form 4

Form of notice for conversion of qualifying condition into personal pre-emption burden or personal redemption burden

NOTICE REQUIRING COMPENSA

To: *[name and address of former tenant]*.

This notice is sent by *[name and address of former landl*
sum of £ *[amount]* as a compensatory payment for the c
[amount] per annum due under the lease of *[give sufficient*
leased] dated *[give date of the lease]* and for the extinc
lease.

The attached appendix shows how I have allocated the
which it applied.

(If the lease was subject to a cumulo renewal premium,

Because the renewal premium payable under the lease
among several leases the attached appendix also shows
renewal premium among the leases to which it applied.

(If arrears of the rent are also sought, then add:

You are also required to pay the sum of £ *[amount]* as a

Signed: *[signature either of the former landlord or of th*
an agent signs the agent should put the word "Agent"

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Form of explanatory note

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Form 5

Form of notice for conversion of qualifying condition into economic development burden

Form of explanatory note

NOTICE REQUIRING COMPENSATORY PAYMENT

To: *[name and address of former tenant]*.

This notice is sent by *[name and address of former landlord]*. You are required to pay the sum of £ *[amount]* as a compensatory payment for the extinction of the rent of £ *[amount]* per annum due under the lease of *[give sufficient identification of the land leased]* dated *[give date of the lease]* and for the extinction of the other rights under the lease.

(If arrears of the rent are also sought, then add:

You are also required to pay the sum of £ *[amount]* as arrears of the rent.)

Signed: *[signature either of the former landlord or of the former landlord's agent; and if an agent signs the agent should put the word "Agent" after the signature]*

Date:

(If payment is to be made to an agent of the former landlord then add:

Payment should be made to: *[name and address of agent]*.)

Form 6

Form of notice for conversion of qualifying condition into health care burden

FURTHER NOTICE REQUIRING ADDITIONAL AGREEMENT

To: *[name and address of former tenant]*.

This notice is sent by *[name and address of former landlord]* in consequence of the extinction of a right which arose under the lease of *[give name of lease]* dated *[give date of the lease]*, namely *[specify which of the rights created by the Long Leases (Scotland) Act 2012 has been extinguished or is now founded]*.

The payment due to me for the extinction of the right has been agreed and you are now required to pay this sum.

Signed: *[signature either of the former landlord or of the agent signs, the word "Agent" should be put after the agent's name]*

Date:

(If payment is to be made to an agent of the former landlord, the name and address of the agent should be given.)

Payment should be made to: *[name and address of agent]*

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Form of explanatory note

PRELIMINARY NOTICE FOR COMPENSATORY PAYMENT EXCEEDING £500

To: *[name and address of tenant]*.

This notice is sent by *[name and address of landlord]*. When the Long Leases (Scotland) Act 2012 comes fully into force you will be required to make a compensatory payment for the extinction of the rent of £ *[amount]* per annum due under the lease of *[give sufficient identification of the land leased]* dated *[give date of the lease]* and for the extinction of the other rights under the lease. I estimate the amount payable at £ *[amount]*.

No money is due now. After 28 November 2015 (the appointed day under the Act) a request for payment will be sent.

Please keep this notice and, if you sell the property before the Act comes into force, give it to the buyer (who will be liable in your place).

Signed: *[signature either of the landlord or of the landlord's agent; and if an agent signs, the word "Agent" should be put after the agent's signature]*

Date:

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Form 7

Form of notice for conversion of qualifying condition into climate change burden

Form of explanatory note

NOTICE SEEKING EXEMPTION FROM CONVERSION OF A
QUALIFYING LEASE

Name and address of tenant under the qualifying lease:

Qualifying lease:
(see note for completion 1)

Description of land subject to the qualifying lease:
(see note for completion 2)

Title as tenant:
(see note for completion 3)

Name and address of landlord under the qualifying lease:

Name and address of landlord(s) under any superior lease:

Service:
(see note for completion 4)

Signature of tenant:
(see note for completion 5)

Signature of witness:

Name and address of witness:

Date:

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Form 8

Form of notice for conversion of qualifying condition into conservation burden

Form of explanatory note

ACKNOWLEDGEMENT OF SERVICE

I, [name of tenant or former tenant], acknowledge receipt of a notice [and, if applicable, an instalment document] under section 17(1)(a) or Part 4 of the Long Leases (Scotland) Act 2012 [providing notice that agreement is sought; to enter into agreement to convert a qualifying condition into a real burden; nominating the qualifying land (or part) as the burdened property in relation to such a burden; or nominating the land to be the benefited property in relation to such a burden] or [requiring a payment or claiming a payment or giving warning of a prospective claim for payment] [and if applicable, of an instalment document together with the explanatory note relating to that document].

Signed: [signature of tenant or former tenant]

Date:

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Form 9

Form of notice for conversion of qualifying condition into conservation burden by nomination of conservation body or the Scottish Ministers to have title to enforce real burden

Form of explanatory note

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Form 10

Form of notice requiring compensatory payment etc.: *cumulo* rent

Form of explanatory note

Form 11

Form of notice requiring compensatory payment etc.: partially continuing lease

Form of explanatory note

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Form 12

Form of notice requiring compensatory payment etc.: ordinary case

Form of explanatory note

Form 13

Form of notice requesting additional payment

Form of explanatory note

Form 14

Form of further notice requiring additional payment following agreement

Form of explanatory note

Form 15

Form of preliminary notice for compensatory payment exceeding £500

Form of explanatory note

Form 16

Form of preliminary notice for additional payment exceeding £500

Form of explanatory note

Form 17

Form of instalment document

Form of explanatory note

Form 18

Form of notice of exemption

Form of explanatory note

Form 19

Form of agreement for exemption for leases with an annual rent of over £100

Form of explanatory note

Form 20

Form of notice of recall

Form of explanatory note

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Form 21
Acknowledgement of service

Form 22
Certificate of posting

SCHEDULE 2

Regulation 20

TABLE OF LIFE EXPECTANCY

Years of age of person	Period of life expectancy (years)	
	Male Life	Female Life
0	76	80
1 to 4	75	80
5 to 9	71	76
10 to 14	66	71
15 to 19	61	66
20 to 24	56	61
25 to 29	52	56
30 to 34	47	51
35 to 39	42	46
40 to 44	38	42
45 to 49	33	37
50 to 54	29	32
55 to 59	25	28
60 to 64	21	23
65 to 69	17	19
70 to 74	13	16
75 to 79	10	12
80 to 84	8	9
85 and over	6	7

Note: This abridged life table is constructed from the estimated population in 2008, 2009 and 2010 and the total number of deaths registered in these years. The table shows the average number of years persons in the various age bands can be expected to live.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Notices are required to implement the conversion of ultra-long leases to ownership under the Long Leases (Scotland) Act 2012 (“the Act”).

Regulations 2 to 19 (see forms 1 to 22 set out in Schedule 1) of these Regulations prescribe the following forms of notice under the sections of the Act referred to and relative explanatory note where appropriate and other necessary documentation:—

Notice for conversion of reserved sporting rights (section 8(2)).

Notice for conversion of qualifying condition by nomination of benefited property (section 14(2)).

Notice seeking agreement to the conversion of qualifying conditions (section 17(1)(a)).

Notices for conversion of qualifying condition into a personal pre-emption burden or personal redemption burden (section 23(1)); an economic development burden (section 24(1)); a health care burden (section 25(1)); a climate change burden (section 26(1)); or a conservation burden (sections 27(1) and 28(1)).

Notices requiring compensatory payment etc.: *cumulo* rent, partially continuing lease, ordinary case (section 45(2)).

Notice requesting additional payment (section 50(2)).

Further notice requiring additional payment following agreement (section 54(2)).

Preliminary notices for compensatory payment exceeding £500, and for additional payment exceeding £500 (section 56(2)).

Instalment document (section 57(2)(a)).

Notice seeking exemption from conversion of a qualifying lease (section 63(b)).

Agreement seeking exemption of qualifying lease by registration of agreement (section 64(2)(a)).

Notice recalling prior exemption from conversion of a qualifying lease (section 67(1)(b)).

Acknowledgement of service (section 74(3)(a)).

Certificate of posting (section 74(3)(b)).

Regulation 20 and Schedule 2 set out the table of life expectancy mentioned in section 71(1)(c)(ii) of the Act for use in certain circumstances in calculating the period of a lease where the period is expressed by reference to the lifetime of a person.