



Scottish Law Commission

promoting law reform

news release • news release

ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION
NOT FOR PUBLICATION OR BROADCAST
BEFORE 0001 HOURS 23 MAY 2018

FOCUS ON COMMERCIAL LEASES, ESPECIALLY ON TERMINATION

The Commission today publishes its Discussion Paper on *Aspects of Leases: Termination*. The Discussion Paper relates mainly to the regulation of commercial leases and considers how the law can be clarified and, where necessary, modernised.

Commercial leases in Scotland are not at present heavily regulated by law. This offers an attractive degree of flexibility, which we would wish to preserve. But there can be some drawbacks: one is that the rules in certain areas are of great antiquity, drawing on Roman doctrines, with the consequence that there is a lack of clarity as to what the law is on particular issues and that requirements are imposed which are not in line with modern business needs. The result is that on occasion the practice relating to the termination of commercial leases has become cumbersome and confused. The Discussion Paper seeks to highlight some of the current problems and asks how the law could be improved in order to make the practice of terminating commercial leases clearer, fairer and more efficient.

Commissioner Caroline Drummond said:

“Commercial leasing practice in Scotland is based on old law which has been interpreted in different ways. We want to ensure that the law is clear, fair and user-friendly. Our Discussion Paper seeks views on how the current law could be reformed in order to meet these aims. We look forward to hearing consultees’ views”.

The consultation period will run until 14 September 2018.

Following consultation, the Commission will assess consultees’ views and commence work towards publication of a Report.

NOTES TO EDITORS /

NOTES TO EDITORS

1. The Scottish Law Commission was set up in 1965 to promote the reform of the law of Scotland. The Chairman is the Hon Lord Pentland, a Court of Session judge. The other Commissioners are Caroline S Drummond, David E L Johnston QC, and Dr Andrew J M Steven. The Chief Executive is Malcolm McMillan.
2. Further information can be obtained by contacting Charles Garland, Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR (Tel: 0131 668 2131; email info@scotlawcom.gsi.gov.uk).
3. The paper will be available on our website at <https://www.scotlawcom.gov.uk> as early as possible on Wednesday 23 May 2018.