

10 December 2021



Dear Consultee,

ASPECTS OF LEASES: TERMINATION

CONSULTATION ON DRAFT LEASES (AUTOMATIC CONTINUATION ETC.) (SCOTLAND) BILL

We invite comment on the above mentioned consultation paper which has been published today. The paper is available on our website at <https://www.scotlawcom.gov.uk/law-reform/consultations/>.

The consultation paper seeks consultees' views on the draft Leases (Automatic Continuation etc.) (Scotland) Bill which is to accompany our forthcoming Report on Aspects of Leases: Termination.

The draft Bill, which would apply to all leases other than specified residential and agricultural leases, makes provision for a range of matters including:

- When a lease will continue automatically or terminate at the end of its term ("tacit relocation")
- The means by which parties may contract out of automatic continuation of a lease
- What notice must be given by landlord or tenant to prevent automatic continuation of a lease at the end of its term
- The means by which notice may be given by landlord or tenant
- The duration of a lease and date of entry in the absence of agreement
- Other matters relating to the start, end or length of a lease.

Consultation is critical in all our law reform projects to ensure that the final recommendations contained in our report would, if implemented, result in law which is just, principled, responsive and easy to understand. We would therefore be grateful to receive your views on the draft Bill and, in particular, any or all of the aspects highlighted in the consultation paper. They will be fully considered and analysed in the course of reaching our final conclusions. Even if you agree



with our proposals but do not wish to make any further comments, a brief note to that effect would be most helpful as an indication to us that the draft Bill is on the right lines.

Where possible, we would prefer the electronic submission of comments. For example, you can use the downloadable electronic response form for this consultation paper on our website at <https://www.scotlawcom.gov.uk/law-reform/consultations/>. The MS Word form has a questionnaire format which allows you to comment - briefly or at length - on any of the paper's proposals which interest you. The form can be downloaded and emailed to us at info@scotlawcom.gsi.gov.uk, as can comments composed in other electronic formats. Alternatively, you may prefer to send your comments on the Discussion Paper by using the general comments form to be found on the website Contact us page (<http://www.scotlawcom.gov.uk/contact-us>). Please note that the consultation process for this project will conclude on **Friday 28 January 2022**; accordingly, we would be grateful if comments were submitted by then.

PLEASE NOTE THAT information about this consultation paper, including copies of responses, may be made available in terms of the Freedom of Information (Scotland) Act 2002. Any confidential response will be dealt with in accordance with the 2002 Act. We may also (i) publish responses on our website (either in full or in some other way such as re formatted or summarised); and (ii) attribute comments and publish a list of respondents' names.

More information about the work of the Commission can be found on our website at <https://www.scotlawcom.gov.uk/>. Finally, should you wish to offer any comments on the way in which we conduct our consultation exercises, we would be pleased to hear from you.

Yours Faithfully,

David Bartos, Scottish Law Commissioner