

Stormont Trading LP v Leslie



No Substantial Judicial Treatment

Court

Land Court

Judgment Date

6 February 2026

Where Reported

[2026] SLC 2

[2026] 2 WLUK 171

2026 G.W.D. 12-105

[Judgment](#)

Subject

Landlord and tenant

Other related subjects

Agriculture

Keywords

Contract terms; Duration; Interpretation; Leases; Modern limited duration tenancies; Registration; Scotland; Security of tenure; Successors in title

Judge

[Lord Minginish](#);

[Mrs Lovell](#);

[Mr Smith](#)

Counsel

For the applicant: Upton (Advocate).

For the respondent: Sutherland (Advocate).

Case Digest

Summary

A limited duration tenancy which was to be interpreted as one day more than the 20 years' duration specified in the [Registration of Leases \(Scotland\) Act 1857](#) and thus registrable in the Land Register for Scotland, was valid and effective against the granter's singular successor albeit it had not been registered. The [Agricultural Holdings \(Scotland\) Act 2003](#) provided a self-contained code for the operation of such tenancies and it contained no requirement for registration.

Abstract

A limited partnership purchaser of a farm applied to the Land Court seeking (i) declarator that it was not bound by a lease which had been entered into by the seller, and (ii) an order for the tenant's removal.

The seller had entered into a limited duration tenancy with the tenant, and the lease was to run "from Martinmas (28 November 2014) to Martinmas 2034 inclusive".

The applicant argued that the word "inclusive" in the lease made it a lease of more than 20 years' duration by one day and thus registrable in the Land Register for Scotland in terms of the [Registration of Leases \(Scotland\) Act 1857](#). The [Leases Act 1449](#), which was the source of a tenant's real right under a lease of heritable property, did not apply to leases registrable under the 1857 Act ([s.20C](#)). As the lease had not been registered, the tenant had no real right binding on the applicant as singular successor to the granter of the lease.

Held

Application dismissed.

Period of lease - A lease with a date of entry in Martinmas of one year and running to Martinmas in another year normally excluded the day on which Martinmas fell at the commencement of the lease but included the day on which it fell at the end of the lease, *Wright v Lady Elizabeth Cunningham*. (1802) Mor. 15919, [1802] 6 WLUK 37, *The Sickness and Accident Assurance Association, Limited v The General Accident Assurance Corporation, Limited* (1892) 19 R. 977, [1892] 7 WLUK 34 considered, Rankine *Leases* (3rd edn), pp.338-341 (see para.6 of judgment).

The lease in the instant case was for 20 years and one day. The ordinary meaning of "inclusive" led to that conclusion. Agricultural leases were customarily entered into for a period of years, and a lease which added a day to that period was unusual, and unlikely to be what the parties had intended, but such a duration had no bearing on the lease's business efficacy. It was a choice which was open to the parties, *Muirhead & Turnbull (A Firm) v Dickson* (1905) 7 F. 686, [1905] 6 WLUK 50 considered (paras 10-13).

Validity against singular successors - The [Agricultural Holdings \(Scotland\) Act 2003](#) provided a self-contained code for the operation of limited duration tenancies. The 1857 Act permitted the registration of leases of more than 20 years to be registered in the Land Register but the tenant's security of tenure did not depend on registration. The Scottish Parliament did not impose a maximum duration on limited duration tenancies, rather it provided a mechanism for the extension of such leases for successive periods which could extend them beyond 20 years. As such, it could not have intended the failure to register the lease, for which there was no requirement in the 2003 Act, to defeat the tenant's security of tenure against the landlord's singular successor (paras 35-36).

Observed - Not all leases of agricultural land had statutory protection and the creation of a right good against singular successors in such cases would require registration under the 1857 Act, *Mountain's Trustees v Mountain* [2012] CSIH 73, 2013 S.C. 202, [2012] 9 WLUK 528 considered (para.40).