

SCHEDULE 12 MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

MINOR AND CONSEQUENTIAL AMENDMENTS: GENERAL

Notes to Schedule K, shall cease to have effect.

Land Registration (Scotland) Act 1979 (c. 33)

- 39 (1) The Land Registration (Scotland) Act 1979 shall be amended in accordance with this paragraph.
- (2) In section 2(1)(a) (provision for registration in the land register)—
- (a) in sub-paragraph (i)—
 - (i) for the words “feu, long lease or security by way of contract of ground annual” substitute “long lease”; and
 - (ii) for the words “feuar, lessee or debtor in the ground annual” substitute “lessee”; and
 - (b) in sub-paragraph (v), for the words “, udal tenure or a kindly tenancy” substitute “or udal tenure”.
- (3) In section 3 (effect of registration)—
- (a) in subsection (3), paragraph (c) shall cease to have effect;
 - (b) in subsection (4), paragraph (b) shall cease to have effect; and
 - (c) in subsection (6)—
 - (i) for the words “an uninfert proprietor” substitute “an unregistered holder”;
 - (ii) for the words “the uninfert proprietor” substitute “him”;
 - (iii) for the word “infert” substitute “registered as entitled to the interest”;
 - (iv) the words “by person uninfert” shall cease to have effect; and
 - (v) after “uninfert” insert “and section 30(b) of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5) (completion of title to conservation burden)”.
- (4) In section 6 (title sheets)—
- (a) in subsection (1)(a), for the words “*dominium utile*” substitute “land”; and
 - (b) in subsection (3), the words “over-feuduty or”, in both places where they occur, shall cease to have effect.
- (5) In section 12 (indemnity in respect of loss)—
- (a) in subsection (3)(m), the words “a superior, a creditor in a ground annual or”, “the feu writ, the contract of ground annual or”, “, as the case may be,” “superior, creditor or” and, in both places where they occur, “feuduty, ground annual or”; and
 - (b) in subsection (4)(a) the words “over-feuduty or”, shall cease to have effect.

Status: This is the original version (as it was originally enacted).

- (6) In section 15 (simplification of deeds relating to registered interests)—
- (a) in subsection (2)(a), the words “sections 10 and 146 of and Schedule D to the Titles to Land Consolidation (Scotland) Act 1868,” shall cease to have effect; and
 - (b) for subsection (3) substitute—
 - “(3) It shall not be necessary, in any deed relating to a registered interest in land, to deduce title if evidence of sufficient midcouples or links between the unregistered holder and the person last registered as entitled to the interest are produced to the Keeper on registration in respect of that interest in land.”.
- (7) In section 16 (omission of certain clauses in deeds)—
- (a) subsection (2); and
 - (b) in subsection (3)(b), the words “feuduties, ground annuals,” and “and, in the case of a grant of land in feu, of all feuduties payable by the grantor to his superiors from and after the date of entry”, shall cease to have effect.
- (8) In section 20 (tenants-at-will)—
- (a) in subsection (3), paragraph (ii), and the word “; and” immediately preceding that paragraph, shall cease to have effect;
 - (b) in subsection (5), for the words “, restriction or redemption” substitute “or restriction”;
 - (c) in subsection (6), the words “, and all such feuduties, ground annuals or other periodical payments as are mentioned in subsection (3)(ii) above” shall cease to have effect; and
 - (d) in subsection (8)(a), sub-paragraph (ii) shall cease to have effect.
- (9) In section 21 (provisions supplementary to section 20)—
- (a) in subsection (8), for the words “infert in” substitute “owner of”;
 - (b) for subsection (9) substitute—
 - “(9) Any condition or provision to the effect that a person with an interest in land shall be entitled to a right of pre-emption in the event of a sale of the land, or of any part of the land, by the proprietor for the time being, shall not be capable of being enforced where the sale is by a landlord to his tenant-at-will under section 20 of this Act.”; and
 - (c) in subsection (10) for the words “grant by him of a feu” substitute “disposition by him”.
- (10) In section 26 (application to Crown), for the words “held of the Crown and of” substitute “owned by the Crown or by”.
- (11) In section 28(1) (interpretation)—
- (a) the definition of “feu” shall cease to have effect;
 - (b) in the definition of “incorporeal heritable right”, after the word “include” insert “a right of ownership of land, the right of a lessee under a long lease of land, a right to mines or minerals or”;
 - (c) for the definition of “interest in land” substitute—
 - ““interest in land”—

Status: This is the original version (as it was originally enacted).

- (a) means any right in or over land, including any heritable security or servitude but excluding any lease which is not a long lease; and
- (b) where the context admits, includes the land;”.