



Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 4

REAL BURDENS

Miscellaneous

43 Notices and agreements under certain sections: extent of Keeper's duty

- (1) In relation to any notice submitted for registration under section 18, [F¹18A, 18B, 18C,] 20, 27 [F², 27A] or 33 of this Act, the Keeper of the Registers of Scotland shall not be required to determine whether the superior has complied with the terms of section 41(3) of this Act.
- (2) In relation to any notice, or as the case may be any agreement, submitted for registration under—
- (a) section 18, [F¹18A, 18B, 18C,] 19, 20, 27 [F², 27A] or 33 of this Act, the Keeper shall not be required to determine whether, for the purposes of subsection (1) of the section in question, a real burden is enforceable by a superior;
 - (b) section 18 of this Act, the Keeper shall not be required to determine, where, in pursuance of subsection (2)(c) of that section, the condition specified is that mentioned in subsection (7)(a) of that section, whether the terms of that condition are satisfied;
 - [F³(bb) section 18B or 18C of this Act, the Keeper shall not be required to determine whether—
 - (i) the requirements of subsection (1) of the section in question are satisfied; or
 - (ii) the statement made in pursuance of subsection (2)(e) of the section in question is correct;]
 - (c) paragraph (c) of subsection (1) of section 19 of this Act, the Keeper shall not be required to determine whether the requirements of paragraph (a) of that subsection are satisfied;
 - (d) section 20 of this Act, the Keeper shall not be required to determine—

Changes to legislation: *Abolition of Feudal Tenure etc. (Scotland) Act 2000, Section 43 is up to date with all changes known to be in force on or before 22 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (i) whether the description provided in pursuance of subsection (2) of that section is correct;
- (ii) whether the notice has been executed, and is being registered, timeously; or
- (iii) any matter as to which the Lands Tribunal must be satisfied before making an order under that section;
- (e) section 33 of this Act, the Keeper shall not be required to determine whether—
 - (i) the requirements of subsection (1)(a) and (b) of that section are satisfied; or
 - (ii) the statements made or information provided, in pursuance of subsection (2)(d) or (e) of that section, are correct.
- (3) The Keeper shall not be required to determine—
 - (a) for the purposes of section 18(6), [F⁴18A(5), 18B(3), 18C(3),] 19(5), 20(5) or (8)(a)(i), 28 [F⁵, 28A] or 60(1) of this Act, whether immediately before the appointed day a real burden is, or is still, enforceable, or by whom; or
 - (b) for the purposes of subsection (8)(a)(ii) of section 20 of this Act, whether immediately before the day of registration of an order of the Lands Tribunal under subsection (7) of that section a real burden is, or is still, enforceable, or by whom.

Textual Amendments

- F1** Words in s. 43(1)(2)(a) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **Sch. 13 para. 8(a)(i)** (with ss. 119, 121)
- F2** Words in s. 43(1)(2)(a) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **Sch. 13 para. 8(a)(ii)** (with ss. 119, 121)
- F3** S. 43(2)(bb) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 128(3), **Sch. 13 para. 8(b)** (with ss. 119, 121)
- F4** Words in s. 43(3)(a) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **Sch. 13 para. 8(c)(i)** (with ss. 119, 121)
- F5** Words in s. 43(3)(a) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 8(c)(ii)** (with ss. 119, 121)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18C(1) words repealed by [2004 asp 7 sch. 2](#)
- s. 18C(3) words repealed by [2004 asp 7 sch. 2](#)