



# Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

## PART 4

### REAL BURDENS

#### *Miscellaneous*

#### **46 Duties of Keeper: amendments relating to the extinction of certain real burdens**

- (1) The Keeper of the Registers of Scotland shall not be required to remove from the Land Register of Scotland a real burden extinguished by section 17(1)(a) or 20(8)(b) or (c) of this Act unless—
- (a) subject to subsection (3) below, he is requested to do so in an application for registration or rectification; or
  - (b) he is, under section 9(1) of the Land Registration (Scotland) Act 1979 (c. 33) (rectification of the register), ordered, subject to subsection (3) below, to do so by the court or the Lands Tribunal;
- and no such request or order shall be competent during a period which commences with the appointed day and is of such number of years as the Scottish Ministers may by order prescribe.
- (2) During the period mentioned in subsection (1) above a real burden, notwithstanding that it has been so extinguished, may at the discretion of the Keeper, for the purposes of section 6(1)(e) of that Act of 1979 (entering enforceable real right in title sheet), be taken to subsist; but this subsection is without prejudice to subsection (3) below.
- (3) The Keeper shall not, before the date mentioned in subsection (4) below, remove from the Land Register of Scotland a real burden which is the subject of a notice or agreement in respect of which application had been made for a determination by—
- (a) a court; or
  - (b) the Lands Tribunal,
- under section 45(1)(b) of this Act.
- (4) The date is whichever is the earlier of—

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*Status: This is the original version (as it was originally enacted).*

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- (a) that two months after the final decision on the application; and
- (b) that prescribed under section 45(1)(ii) of this Act.