

*These notes relate to the Title Conditions (Scotland) Act
2003 (asp 9) which received Royal Assent on 3 April 2003*

TITLE CONDITIONS (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Real Burdens: Miscellaneous

Section 70: Duty to disclose identity of owner

300. Usually, affirmative burdens are enforceable only against the owner of the burdened property (section 9(1)); but since an 'owner' includes a person whose title has not been completed by registration (section 123(1)), the identification of the current owner may not always be easy. *Section 70* assists the enforcer by requiring any previous owner to pass on information. See section 8(2) and (4) for a list of those who have title to enforce a real burden.