

SCHEDULE 13

AMENDMENT OF ABOLITION OF FEUDAL TENURE ETC. (SCOTLAND) ACT 2000

- 13 In section 73 (feudal terms in enactments and documents: construction after abolition of feudal system)—
- (a) in subsection (1)—
- (i) in each of paragraphs (a), (b) and (c), at the end, there shall be added “before that day”;
 - (ii) the word “or” which immediately follows paragraph (b) is repealed; and
 - (iii) for the words “before the appointed day, then” there shall be substituted “; or
- (d) in the Land Register of Scotland or in—
- (i) a land certificate;
 - (ii) a charge certificate; or
 - (iii) an office copy,
- issued, whether or not before that day, under the Land Registration (Scotland) Act 1979 (c. 33),
- then”;
- (b) in subsection (2)—
- (i) the existing words “in any document executed before that day” shall become paragraph (a);
 - (ii) after that paragraph there shall be inserted the word “or” and the following paragraph—
 - “(b) in the Land Register of Scotland or in any certificate or copy such as is mentioned in subsection (1)(d) above (whenever issued),”; and
 - (iii) for the words “19, 20, 23, 28 or, as the case may be, 60 of this Act” there shall be substituted “18A, 18B, 18C, 19, 20, 28, 28A or 60 of this Act or section 56 of the Title Conditions (Scotland) Act 2003 (asp 9) (facility burdens and service burdens)”; and
- (c) after subsection (2) there shall be added—
- “(2A) In construing, after the appointed day and in relation to a right enforceable on or after that day, a document, or entry in the Land Register, which—
- (a) sets out the terms of a real burden; and
 - (b) is not a document or entry references in which require to be construed as mentioned in subsection (2) above,
- any provision of the document or entry to the effect that a person other than the person entitled to enforce the burden may waive compliance with, or mitigate or otherwise vary a condition of, the burden shall be disregarded.”.