

SCHEDULE 14
MINOR AND CONSEQUENTIAL AMENDMENTS

Registration of Leases (Scotland) Act 1857 (c. 26)

- 1 (1) Section 3 of the Registration of Leases (Scotland) Act 1857 (assignment of recorded, or registered, leases etc.) shall be amended in accordance with this paragraph.
- (2) In subsection (2)—
- (a) the existing words “to impose conditions and make stipulations” shall become paragraph (i); and
 - (b) after that paragraph there shall be inserted the word “or” and the following paragraph—
“*(ii) to import such conditions and stipulations,*”.
- (3) After subsection (2) there shall be inserted—
- “(2A) Any person entitled to grant an assignment under this section may—
- (a) execute a deed containing such conditions, or stipulations, as may be specified in an assignment under subsection (2) above; and
 - (b) register such conditions and stipulations in the Land Register of Scotland or, as the case may be, record the deed in the Register of Sasines,
- and, subject to subsection (2C) below, on such registration or, as the case may be, recording such conditions and stipulations shall be effectual.
- (2B) “Import” in subsection (2)(ii) above means to import into itself from a deed of conditions (“deed of conditions” having the meaning given by section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9)) the terms of the conditions or stipulations; and importation in or as nearly as may be in the form set out in schedule 1 to that Act (but with the modification that for the references in that form to the terms of the title conditions there are substituted references to the terms of the conditions or stipulations) shall suffice in that regard.
- (2C) Where, notwithstanding section 3(4) of the Land Registration (Scotland) Act 1979 (c. 33) (creation of real right or obligation on date of registration etc.), a deed provides for the postponement of effectiveness of any conditions or, as the case may be, stipulations to—
- (a) a date specified in that deed (the specification being of a fixed date and not, for example, of a date determinable by reference to the occurrence of an event); or
 - (b) the date of—
 - (i) registration of an interest in land under; or
 - (ii) recording of,some other deed so specified,
- the conditions, or stipulations, shall take effect in accordance with such provision.”.
- (4) In subsection (3), after the word “(2)” there shall be inserted “or (2A)”.
- (5) In subsection (4), after the word “assignment”—

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

- (a) where it first occurs, there shall be inserted “, or as the case may be in a deed such as is mentioned in subsection (2A) above,”; and
- (b) where it secondly occurs, there shall be inserted “, or as the case may be the deed,”.