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*Status: This is the original version (as it was originally enacted).*

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## SCHEDULE 1

*(introduced by section 6(2))*

### FORM IMPORTING TERMS OF TITLE CONDITIONS

There are imported the terms of the title conditions specified in [*refer to the deed of conditions in such terms as shall be sufficient to identify it and specify the register in which it is registered and the date of registration*].

## SCHEDULE 2

*(introduced by section 20(1))*

### FORM OF NOTICE OF TERMINATION

“NOTICE OF TERMINATION

**Name and address of terminator:**

*(see note for completion 1)*

**Description of burdened property:**

*(see note for completion 2)*

**Terminator's connection with burdened property:**

*(see note for completion 3)*

**Terms of real burden(s):**

*(see note for completion 4)*

**Extent of termination:**

*(see note for completion 5)*

**Renewal date:**

*(see note for completion 6)*

**An application to the Lands Tribunal for Scotland for renewal or variation of the real burden(s) must be made by not later than the renewal date.**

**Persons to whom a copy of the notice sent:**

*(see note for completion 7)*

**Date and method of intimation:**

*(see note for completion 8)*

**I swear [*or affirm*] that the information contained in this notice is, to the best of my knowledge and belief, true, and that this notice has been duly intimated.**

**Signature of person so swearing [*or affirming*]:**

*(see note for completion 9)*

**Signature of notary public:**

**Date:**

**Certificate by Lands Tribunal for Scotland**

*(see note for completion 10).”*

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*Explanatory note*

*(This explanation has no legal effect)*

This notice, given under section 20(1) of the Title Conditions (Scotland) Act 2003, concerns real burdens which affect a [neighbouring] property (referred to in the notice as the “burdened property”), and is sent to you by the owner of that property or by some other person affected by the burdens. The sender (who is referred to in the notice and in these notes as the “terminator”) wishes to free the property of the real burdens listed in the notice.

The burdens are more than 100 years old.

If you are opposed to the freeing, you can apply to the Lands Tribunal for Scotland for the burdens to be renewed or varied. The address of the Lands Tribunal is [insert address] and their telephone number is [insert telephone number]. However, you can only apply if you are an owner of a property which, in a legal sense, takes benefit from the burden and which carries enforcement rights or if the burden is a personal real burden. For further guidance you may wish to consult a solicitor or other adviser.

[A list of other people who have been sent this notice is given in the notice itself. It is possible to make an application to the Lands Tribunal jointly with other people.]

An application to the Lands Tribunal must be made by the renewal date stated in the notice. If no application is made by then, you may lose any right which you may currently hold to enforce the burdens.

*Notes for completion of the notice*

*(These notes have no legal effect)*

- 1 The “terminator” is the person who, at any time, is seeking to terminate the real burden. Where the person who proposes to execute and register the notice of termination and so intimates is not the terminator when the notice comes to be executed, the name and address of the person executing should be appended after the name and address of the person who so intimated.
- 2 Describe the property in a way that is sufficient to identify it. Where the property has a postal address the description should include that address. Where the title has been registered in the Land Register the description should refer to the title number of the property or of the larger subjects of which the property forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 3 Describe the terminator’s connection with the burdened property, as for example by identification as owner or tenant or by setting out the midcouple which links (or midcouples which link) the terminator to the person who last had a completed title as

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- owner. Where the circumstances mentioned in note for completion 1 arise, the description should be extended accordingly.
- 4 Identify the constitutive deed by reference to the appropriate Register, and set out the real burden in full. A single notice may be used for two or more real burdens.
- 5 If the real burden is wholly to be terminated say so; otherwise describe the extent of termination.
- 6 Insert the date by which applications for renewal or variation must be made. This can be any date, provided that it is not less than 8 weeks after the last date on which this notice is intimated (intimation by affixing being taken to be given when first the notice is affixed).
- 7 This notice (and the explanatory note) must be intimated to (a) the owner of any benefited property, (b) the holder of any personal real burden and (c) the owner of the burdened property (or, if the terminator is such an owner, any other owner of that property). Intimation can be by sending (or delivering) the notice, by affixing a conspicuous notice to the burdened property and also to a lamp post within 100 metres of that property (or to at least two lamp posts if there is more than one within that distance of that property) or by newspaper advertisement. However, affixing or advertisement cannot be used for the owner of a benefited property which lies within 4 metres of the burdened property (disregarding roads less than 20 metres wide) or for the owner of the burdened property or for any such person as is mentioned in paragraph (b) of this note and advertisement cannot be used where affixing can. Where sending or delivery is used, state (i) the name of the person concerned (if known) (ii) the address to which the notice is sent or delivered, and (iii) the address of the benefited (or burdened) property owned by that person, if different from (ii). Since evidence of sending may be required at the time of registration in the Land Register, it is recommended that the notice be sent by recorded delivery or registered post.
- 8 State the date and method of intimation. By way of example—
- (a) if notices were posted, to the persons listed in the previous note, on 25th March 2003 and advertised in the *Inverness Courier* on 4th April 2003, insert: “(a) Intimation by post on 25th March 2003; (b) Advertisement in the *Inverness Courier* on 4th April 2003”; or
  - (b) if on 12th July a notice was posted to the owner of the burdened property and otherwise intimation was given by affixing notices on that date, insert: “(a) Intimation by post on 12th July 2005; (b) Notices affixed to the burdened property and to each of two lamp posts within 100 metres of that property on 12th July 2005.”.
- 9 The terminator should not swear or affirm, or sign, until the notice has been completed (except for the certificate by the Lands Tribunal for Scotland) and duly intimated. Before signing, the terminator should swear or affirm before a notary public (or, if the notice is being completed outwith Scotland, before a person duly authorised under the local law to administer oaths or receive affirmations) that, to the best of the terminator’s knowledge and belief, all the information contained in the notice is true and that the notice has been duly intimated. The notary public should also sign. Swearing or affirming a statement which is known to be false or which is believed not to be true is a criminal offence under the False Oaths (Scotland) Act 1933 (c.20). Normally the terminator should swear or affirm, and sign, personally. If, however, the terminator is legally disabled or incapable (for example because of mental disorder) a legal representative should swear or affirm, and sign. If the terminator is not an individual (for example, if it is a copartny) a person entitled by law to sign formal documents on its behalf should swear or affirm, and sign.
- 10 There is to be endorsed before registration the certificate required by section 23(1) of the Title Conditions (Scotland) Act 2003 (asp 9).

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### SCHEDULE 3

*(introduced by section 21(2)(b))*

#### FORM OF AFFIXED NOTICE RELATING TO TERMINATION

“TERMINATION OF REAL BURDEN

**This notice is intimation that the person who is described below as terminator wishes to free the property which is described below as the burdened property from a real burden which affects that property. The terminator proposes to register a notice of termination so as to extinguish the real burden. A copy of that notice of termination (which among other things describes the real burden fully) is available from the terminator on request.**

**Name and address of terminator:**

*(see note for completion 1)*

**Description of burdened property:**

*(see note for completion 2)*

**The real burden and the extent of termination:**

*(see note for completion 3)*

**Renewal date:**

*(see note for completion 4)*

**If you wish to apply to the Lands Tribunal for Scotland for renewal or variation of the real burden you must do so by not later than the renewal date. If no application is made by then, you may lose any right which you may currently hold to enforce the burden. For further guidance you may wish to consult a solicitor or other adviser.**

**Signature of terminator:**

**Date affixed:**      .

*Notes for completion of the notice*

*(These notes have no legal effect)*

- 1      The “terminator” is the person who, at any time, is seeking to terminate the real burden. Give the terminator’s name and address (or the terminator’s name and the name and address of the terminator’s agent).
- 2      Describe the property in a way that is sufficient to identify it. Where the property has a postal address the description should include that address. Where the title has been registered in the Land Register the description should refer to the title number of the property or of the larger subjects of which the property forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 3      Provide briefly a description of the real burden. If the burden is wholly to be terminated say so; otherwise describe the extent of termination.
- 4      Insert the date by which applications for renewal or variation must be made. This can be any date, provided that it is not less than 8 weeks after the last date on which the notice of termination is intimated (intimation by affixing being taken to be given when first the notice is affixed).

## SCHEDULE 4

*(introduced by section 34(2)(a))*

### FORM OF NOTICE OF PROPOSAL TO REGISTER DEED OF VARIATION OR DISCHARGE

“NOTICE OF PROPOSAL TO REGISTER DEED OF VARIATION OR DISCHARGE

**Proposer:**

*(see note for completion 1)*

**Description of affected unit(s):**

*(see note for completion 2)*

**Terms of community burden(s):**

*(see note for completion 3)*

**Effect of registration of deed on burden(s):**

*(see note for completion 4)*

An application to the Lands Tribunal for Scotland for preservation of the community burden(s) must be made not later than *[specify the date on which the period mentioned in section 34(3) of this Act expires]*.

**Signature of proposer:**

**Date:**     *..*

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*Explanatory note*

*(This explanation has no legal effect)*

This notice is given under section 34(2)(a) of the Title Conditions (Scotland) Act 2003. The sender (who is referred to in the notice and in these notes as the “proposer”) wishes [to free a property of a community burden] *or* [to vary a community burden].

A deed of [discharge] *or* [variation] has already been granted. A copy of the deed in question is attached. If the deed is duly registered the burden will be [discharged] *or* [varied] in relation to the affected unit.

If you want to preserve such rights as you may have, you can apply to the Lands Tribunal for Scotland in that regard. The address of the Lands Tribunal is [insert address] and their telephone number is [insert telephone number]. For further guidance you may wish to consult a solicitor or other adviser.

An application to the Lands Tribunal must be made by the date stated in the notice. If no application is made by then, you may lose any right which you may currently hold to enforce the burdens.

*Notes for completion of the notice*

*(These notes have no legal effect)*

- 1 The “proposer” is the person who is seeking to discharge or vary the community burden. Give the proposer’s name and address (or the proposer’s name and the name and address of the proposer’s agent).
- 2 Describe the unit in a way that is sufficient to identify it. Where the unit has a postal address the description should include that address. Where the title has been registered in the Land Register the description should refer to the title number of the property or of the larger subjects of which the unit forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 3 Identify the constitutive deed by reference to the appropriate Register, and set out the community burden in full.
- 4 State whether the deed is of variation or of discharge. If the community burden is wholly to be discharged say so; otherwise describe the extent of variation or discharge.
- 5 Intimation is by sending (or delivering) the notice. Since evidence of sending may be required at the time of registration in the Land Register, it is recommended that the notice be sent by recorded delivery or registered post.
- 6 There is to be endorsed on the deed before registration the certificate required by subsection (2) of section 37 of the Title Conditions (Scotland) Act 2003 (asp 9) (as applied by section 34 of that Act).

## SCHEDULE 5

(introduced by section 36(2)(a))

### FURTHER FORM OF NOTICE OF PROPOSAL TO REGISTER DEED OF VARIATION OR DISCHARGE OF COMMUNITY BURDEN: SENT VERSION

“NOTICE OF PROPOSAL TO REGISTER DEED OF VARIATION OR DISCHARGE OF COMMUNITY BURDEN

**Proposer:**

(see note for completion 1)

**Description of affected unit:**

(see note for completion 2)

**Terms of community burden(s):**

(see note for completion 3)

**Nature of deed:**

(see note for completion 4)

An application to the Lands Tribunal for Scotland for preservation of the community  
burden(s) must be made not later than [specify the date on which the period mentioned in  
section 37(1) of this Act expires].

**Signature of proposer:**

**Date:** .

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

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*Explanatory note*

*(This explanation has no legal effect)*

This notice is given under section 36(2)(a) of the Title Conditions (Scotland) Act 2003. The sender (who is referred to in the notice and in these notes as the “proposer”) wishes [to free a property of a community burden] *or* [to vary a community burden].

A deed of [discharge] *or* [variation] has already been granted by the owners of adjacent properties and a copy of it is attached. If the deed is duly registered the burden will be [discharged] *or* [varied] in relation to the affected property.

If you want to preserve such rights as you may have, you can apply to the Lands Tribunal for Scotland in that regard. The address of the Lands Tribunal is [insert address] and their telephone number is [insert telephone number]. However, you can only apply if you are an owner of a property which, in a legal sense, takes benefit from the burden and which carries enforcement rights. For further guidance you may wish to consult a solicitor or other adviser.

An application to the Lands Tribunal must be made by the date stated in the notice. If no application is made by then, you may lose any right which you may currently hold to enforce the burdens.

*Notes for completion of the notice*

*(These notes have no legal effect)*

- 1 The “proposer” is the person who is seeking to discharge or vary the community burden. Give the proposer’s name and address (or the proposer’s name and the name and address of the proposer’s agent.)
- 2 Describe the affected unit in a way that is sufficient to identify it. Where the unit has a postal address the description should include that address. Where the title has been registered in the Land Register the description should refer to the title number of the property or of the larger subjects of which the unit forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 3 Identify the constitutive deed by reference to the appropriate Register and set out the community burden in full.
- 4 State whether the deed is of variation or of discharge. If the community burden is wholly to be discharged say so; otherwise describe the extent of variation or discharge.
- 5 This notice requires to be sent. Since evidence of sending may be required at the time of registration in the Land Register, it is recommended that the notice be sent by recorded delivery or registered post.
- 6 There is to be endorsed on the deed before registration the certificate required by subsection (2) of section 37 of the Title Conditions (Scotland) Act 2003 (asp 9).



**SCHEDULE 6***(introduced by section 36(2)(b))***FURTHER FORM OF NOTICE OF PROPOSAL TO REGISTER DEED OF VARIATION OR DISCHARGE OF COMMUNITY BURDEN: AFFIXED VERSION**

"NOTICE OF PROPOSAL TO REGISTER DEED OF VARIATION OR DISCHARGE OF COMMUNITY BURDEN"

**This notice is intimation that the person who is described below as proposer wishes to vary or discharge a community burden which affects a property described below as the affected unit. The proposer intends to register a deed already granted by certain other owners of units. A copy of the deed in question can be obtained from the proposer on request as can a description of the community burden. If the deed is registered the community burden will be varied or discharged in so far as it affects the property.**

**Proposer:***(see note for completion 1)***Description of affected unit:***(see note for completion 2)***The community burden and the extent of termination:***(see note for completion 3)*

**An application to the Lands Tribunal for Scotland for preservation of the community burden(s) must be made not later than [specify the date on which the period mentioned in section 37(1) of this Act expires]. If no application is made by then, you may lose any right you may currently hold to enforce the community burden. For further guidance you may wish to consult a solicitor or other adviser.**

**Signature of proposer:****Date affixed:** .".*Notes for completion of the notice**(These notes have no legal effect)*

- 1 The "proposer" is the person who is seeking to discharge or vary the community burden. Give the proposer's name and address (or the proposer's name and the name and address of the proposer's agent).
- 2 Describe the affected unit in a way that is sufficient to identify it. Where the unit has a postal address the description should include that address. Where the title has been registered in the Land Register the description should refer to the title number of the property or of the larger subjects of which the unit forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 3 Provide a brief description of the community burden. If the burden is wholly to be discharged say so; otherwise describe the extent of variation or discharge.
- 4 This notice requires to be affixed conspicuously to the affected unit and also to a lamp post within 100 metres of that unit (or to at least two lamp posts if there is more than one within that distance of that unit).
- 5 There is to be endorsed on the deed before registration the statement required by subsection (2) of section 37 of the Title Conditions (Scotland) Act 2003 (asp 9).

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

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## SCHEDULE 7

*(introduced by section 50(1))*

### FORM OF NOTICE OF PRESERVATION

“NOTICE OF PRESERVATION

**Name and address of person sending notice:**

**Description of burdened property:**  
*(see note for completion 1)*

**Description of benefited property:**  
*(see note for completion 1)*

**[Links in title:]**  
*(see note for completion 2)*

**Terms of real burden(s):**  
*(see note for completion 3)*

**Explanation of why the property described as a benefited property is such a property:**  
*(see note for completion 4)*

**Service:**  
*(see note for completion 5)*

**I swear [or affirm] that the information contained in this notice is, to the best of my knowledge and belief, true.**

**Signature of person sending notice:**  
*(see note for completion 6)*

**Signature of notary public:**

**Date:**        .”

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

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*Explanatory note for owner of burdened property*

*(This explanation has no legal effect)*

This notice is sent by a person who asserts that the use of your property is affected by the real burden [or real burdens] whose terms are described in the notice and that that person is one of the people entitled to the benefit of the real burden [or real burdens] and can, if necessary, enforce it [or them] against you. In this notice your property (or some part of it) is referred to as the “burdened property” and the property belonging to that person is referred to as the “benefited property”.

The grounds for the assertion are given in the notice. By section 50 of the Title Conditions (Scotland) Act 2003 (asp 9) that person’s rights will be lost unless this notice is registered in the Land Register or Register of Sasines by not later than [insert date ten years after the appointed day]. Registration preserves the rights and means that the burden [or burdens] can continue to be enforced by that person and by anyone succeeding as owner of that person’s property.

This notice does not require you to take any action; but if you think there is a mistake in it, or if you wish to challenge it, you are advised to contact your solicitor or other adviser. A notice can be challenged even after it has been registered.

*Notes for completion of the notice*

*(These notes have no legal effect)*

- 1 A single notice may be used for any properties covered by the same constitutive deed. Describe the property in a way that is sufficient to identify it. Where the title has been registered in the Land Register the description should refer to the title number of the property or of the larger subjects of which the property forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 2 Include the section “Links in Title” only if the person sending the notice does not have a completed title to the benefited property. Set out the midcouple (or midcouples) linking that person with the person who had the last completed title.
- 3 A single notice may be used for any real burdens created in the same constitutive deed. Identify the constitutive deed by reference to the appropriate Register, and set out the real burden in full or refer to the deed in such a way as to identify the real burden.
- 4 Explain the legal and factual grounds on which the land described as a benefited property is a benefited property in relation to the burdened property and the burden described in the notice.
- 5 Do not complete until a copy of the notice, together with the explanatory note, has been sent (or delivered) to the owner of the burdened property (except in a case where that is not reasonably practicable). Then insert whichever is applicable of the following:  
“A copy of this notice has been sent by [state method and if by post specify whether by recorded delivery, by registered post or by ordinary post] on [date] to the owner of the burdened property at [address].”; or  
“It has not been reasonably practicable to send a copy of this notice to the owner of the burdened property for the following reason: [specify the reason].”
- 6 The person sending the notice should not swear or affirm, or sign, until a copy of the notice has been sent (or otherwise) as mentioned in note 5. Before signing, the sender should swear or affirm before a notary public (or, if the notice is being completed outwith Scotland, before a person duly authorised under the local law to administer oaths or receive affirmations) that, to the best of the sender’s knowledge and belief, all the information contained in the notice is true. The notary public should also sign. Swearing or affirming a statement which is known to be false or which is believed not to be true is a criminal offence under the False Oaths (Scotland) Act 1933 (c.20). Normally the sender should swear or affirm, and sign, personally. If, however, the sender is legally disabled or incapable (for example because of mental disorder) a legal representative should swear or affirm, and sign. If the sender is not an individual (for example, if it is a company) a person entitled by law to sign formal documents on its behalf should swear or affirm, and sign.

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

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## SCHEDULE 8

*(introduced by section 55(2))*

### COMMUNITY CONSULTATION NOTICE

“NOTICE INVITING COMMENTS IN RELATION TO PROPOSAL TO VARY OR DISCHARGE COMMUNITY  
 BURDEN AFFECTING SHELTERED OR RETIREMENT HOUSING

**Person to whom comments should be sent:**

*(see note for completion 1)*

**Description of development:**

*(see note for completion 2)*

**Terms of community burden to be varied or discharged:**

*(see note for completion 3)*

**Effect of registration of proposed deed on that burden:**

*(see note for completion 4)*

**Date by which any comments are to be made:**

*(see note for completion 5)*

**Date of intimation:**

*(see notes for completion 6)*

**Signature of a person who proposes to grant the deed:**

**Date:** \_\_\_\_\_.

*Explanatory note*

*(This explanation has no legal effect)*

This notice, which is sent under section 55 of the Title Conditions (Scotland) Act 2003, concerns a community burden which affects the sheltered or retirement housing development of which your property is part. The sender is intimating to you a proposal to grant a deed of [variation] or [discharge] in respect of the burden and invites your comments.

If such a deed is granted and duly registered (which cannot be before the date specified, in the notice, as that by which any comments are to be made) the burden [may be varied] or [may be discharged] as described in the notice.

For further guidance you may wish to consult a solicitor or other adviser.

*Notes for completion of the notice*

*(These notes have no legal effect)*

- 1 This should ordinarily be a person who proposes to grant the deed. Give the person's name and address.
- 2 Describe the sheltered or retirement housing development in a way that is sufficient to identify it.
- 3 Set out the community burden in question in full.
- 4 State whether the proposed deed is of variation or of discharge. If the community burden is wholly to be discharged say so; otherwise describe the extent of variation or discharge.
- 5 Specify a date no earlier than three weeks after the latest date mentioned in section 55(3) of the Title Conditions (Scotland) Act 2003 (asp 9).
- 6 Intimation is by sending (or delivering) the notice. Since evidence of sending may be required at the time of registration in the Land Register of any deed granted, it is recommended that the notice be sent by recorded delivery or registered post.

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

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## SCHEDULE 9

*(introduced by section 80(4))*

### FORM OF NOTICE OF CONVERTED SERVITUDE

“NOTICE OF CONVERTED SERVITUDE

**Name and address of person sending notice:**

**Description of burdened property:**  
*(see note for completion 1)*

**Description of benefited property:**  
*(see note for completion 1)*

**[Links in title:]**  
*(see note for completion 2)*

**Terms of converted servitude:**  
*(see note for completion 3)*

**Explanation of why the property described as a benefited property is such a property:**  
*(see note for completion 4)*

**Service:**  
*(see note for completion 5)*

**I swear [or affirm] that the information contained in this notice is, to the best of my knowledge and belief, true. The constitutive deed [or A copy of the constitutive deed] is annexed to the notice.**  
*(see note for completion 6)*

**Signature of person sending notice:**  
*(see note for completion 7)*

**Signature of notary public:**

**Date:**        .

*Explanatory note for owner of burdened property*

*(This explanation has no legal effect)*

This notice is sent by a person who asserts that the use of your property is affected by a converted servitude which the sender is entitled to enforce. In this notice your property (or some part of it) is referred to as the “burdened property” and the property belonging to the sender is referred to as the “benefited property”. The “converted servitude” is a condition which may affect the use of your property. Formerly a servitude, the condition was converted into a real burden by subsection (1) of section 80 of the Title Conditions (Scotland) Act 2003 (asp 9).

At the moment the converted servitude is not disclosed against your title on the property registers. By subsection (2) of that section the sender’s right will be lost unless this notice is registered in the Land Register of Scotland or the Register of Sasines by not later than *[insert date ten years after the appointed day]*. Registration preserves the right and means that the converted servitude can continue to be enforced by the sender, and by anyone succeeding the sender as owner of that property.

This notice does not require you to take any action; but if you think there is a mistake in it, or if you wish to challenge it, you are advised to contact your solicitor or other adviser. A notice can be challenged even after it has been registered.

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

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*Notes for completion of the notice*

*(These notes have no legal effect)*

- 1     A single notice may be used for any properties covered by the same constitutive deed. Describe the property in a way that is sufficient to identify it. Where the title has been registered in the Land Register the description should refer to the title number of the property or of the larger subjects of which the property forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 2     Include the section "Links in title" only if the person sending the notice does not have a completed title to the benefited property. List the midcouple (or midcouples) linking that person with the person who had the last completed title.
- 3     A single notice may be used for any converted servitudes created in the same constitutive deed. Set out the converted servitude in full or refer to the constitutive deed in such a way as to identify the servitude. If there is no such deed, explain the factual and legal circumstances in which the servitude was created.
- 4     Complete this part only if the land described as the benefited property is not nominated as such by the constitutive deed. Explain the legal and factual grounds on which that land is a benefited property in relation to the burdened property and the converted servitude described in the notice.
- 5     Do not complete until a copy of the notice, together with the constitutive deed and the explanatory note, has been sent (or delivered) to the owner of the burdened property (except in a case where that is not reasonably practicable). Then insert whichever is applicable of the following:
 

"A copy of this notice has been sent by [state method and if by post specify whether by recorded delivery, by registered post or by ordinary post] on [date] to the owner of the burdened property at [address]"; or

"It has not been reasonably practicable to send a copy of this notice to the owner of the burdened property for the following reason: [specify the reason]."
- 6     Endorse on the constitutive deed (or copy) words to the effect of: "This is the constitutive deed referred to in the notice of converted servitude by [give name of person sending the notice] dated [give date]." The endorsement need not be signed.
- 7     The person sending the notice should not swear or affirm, or sign, until a copy of the notice has been sent (or otherwise) as mentioned in note 5. Before signing, the sender should swear or affirm before a notary public (or, if the notice is being completed outwith Scotland, before a person duly authorised under the local law to administer oaths or receive affirmations) that, to the best of the sender's knowledge and belief, all the information contained in the notice is true. The notary public should also sign. Swearing or affirming a statement which is known to be false or which is believed not to be true is a criminal offence under the False Oaths (Scotland) Act 1933 (c.20). Normally the sender should swear or affirm, and sign, personally. If, however, the sender is legally disabled or incapable (for example because of mental disorder) a legal representative should swear or affirm, and sign. If the sender is not an individual (for example, if it is a company) a person entitled by law to sign formal documents on its behalf should swear or affirm, and sign.

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

## SCHEDULE 10

*(introduced by section 83(1)(a))*

### FORM OF UNDERTAKING

**“UNDERTAKING NOT TO EXERCISE RIGHT OF PRE-EMPTION**

**Property benefited by right of pre-emption:**

*(see note for completion 1)*

**Holder of right of pre-emption:**

*(see note for completion 2)*

**Property subject to right of pre-emption:**

*(see note for completion 3)*

**Deed in which right of pre-emption imposed:**

*(see note for completion 4)*

**I hereby undertake that I will not exercise my right of pre-emption in respect of a sale occurring before** *(insert date)* **[if** *(insert any conditions to be satisfied)* **– see note for completion 5]**

**Signature by or on behalf of holder of right of pre-emption:**

**Signature of witness:**

**Date:**     ?

*Notes for completion of the undertaking*

*(These notes have no legal effect)*

- 1 Describe the property in a way that is sufficient to enable it to be identified. Where the title has been registered in the Land Register the description should refer to the title number. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.  
Where the right of pre-emption is a personal pre-emption burden or rural housing burden, insert (only) “Personal pre-emption burden” or “Rural housing burden”.
- 2 Insert the holder’s name and address. The holder is the owner of the benefited property or, in the case of a personal pre-emption burden or rural housing burden, the person in whose favour the burden is constituted. (The person last registered as having title to such a burden is taken to be the holder of the right of pre-emption which the burden comprises.)
- 3 Describe the property in a way that is sufficient to enable it to be identified. Where the title has been registered in the Land Register the description should refer to the title number. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines. If part only of the burdened property is to be sold, describe that part only.
- 4 Give the name of the deed and the particulars of its registration or recording.
- 5 Insert any conditions concerning the type of sale in respect of which the right of pre-emption will not be exercised (for example, “if the consideration for the sale is £100,000 or more”).

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

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## SCHEDULE 11

*(introduced by section 90(3))*

### TITLE CONDITIONS NOT SUBJECT TO DISCHARGE BY LANDS TRIBUNAL

- 1 An obligation, however constituted, relating to the right to work minerals or to any ancillary rights in relation to minerals (“minerals” and “ancillary rights” having the same meanings as in the Mines (Working Facilities and Support) Act 1966 (c. 4)).
- 2 In so far as enforceable by or on behalf of—
- (a) the Crown, an obligation created or imposed for naval, military or air force purposes; or
  - (b) the Crown or any public or international authority, an obligation created or imposed—
    - (i) for civil aviation purposes; or
    - (ii) in connection with the use of land as an aerodrome.
- 3 An obligation created or imposed in or in relation to a lease of—
- (a) an agricultural holding (as defined in section 1(1) of the Agricultural Holdings (Scotland) Act 1991 (c. 55));
  - (b) a holding (within the meaning of the Small Landholders (Scotland) Acts 1886 to 1931); or
  - (c) a croft (within the meaning of the Crofters (Scotland) Act 1993 (c. 44)).

## SCHEDULE 12

*(introduced by section 107(11))*

### FORM OF APPLICATION FOR RELEVANT CERTIFICATE

\*APPLICATION BY ACQUIRING AUTHORITY FOR RELEVANT CERTIFICATE

**Acquiring authority:**

**Description of land acquired:**

*(see note for completion 1)*

**Proposed effect of registering conveyance:**

*(see note for completion 2)*

**Date and method of intimation:**

*(see note for completion 3)*

**Date by which any application to Lands Tribunal must be made:**

*(see note for completion 4)*

**Signature:**

*(see note for completion 5)*

**Date:**     ?.



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

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*Notes for completion of the application*

*(These notes have no legal effect)*

- 1 Give the postal address if there is one, then describe the land in a way that is sufficient to enable the Keeper to identify it by reference to the Ordnance Map. Where the title to the land has been registered in the Land Register the description should refer to the title number of the land or the larger subjects of which the land forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 2 If it is proposed that all real burdens and servitudes be extinguished, and any development management scheme disapplied, say so. If the terms of the conveyance are to provide otherwise, annex a copy of the draft conveyance to the application.
- 3 Intimation can be by sending, by advertisement or by such other method as the acquiring authority thinks fit.
- 4 Specify a date no fewer than 21 days after the date of intimation.
- 5 The signature is to be that of a person entitled by law to sign formal documents on behalf of the acquiring authority.

### SCHEDULE 13

*(introduced by section 114(6))*

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

- 1 The 2000 Act shall be amended in accordance with the following paragraphs.
- 2 In section 17 (extinction of superior's rights)—
  - (a) in subsection (1), after the word—
    - (i) “18” there shall be inserted “to 18C”;
    - (ii) “27,” there shall be inserted “27A,”;
    - (iii) “28,” there shall be inserted “28A,”; and
    - (iv) “Act” there shall be inserted “and to sections 52 to 56 (which make provision as to common schemes, facility burdens and service burdens) and 63 (which makes provision as to manager burdens) of the Title Conditions (Scotland) Act 2003 (asp 9)”,and at the end of paragraph (b) there shall be added other than in that person's capacity as owner of land or as holder of a conservation burden, health care burden or economic development burden; and
  - (b) in subsection (3), after paragraph (a) there shall be inserted—

“(aa) a right of enforcement held by virtue of any of the provisions mentioned in subsection (1) above;”.
- 3 In section 18 (reallotment of real burden by nomination of new dominant tenement)—
  - (a) in subsection (1), at the beginning there shall be inserted “Without prejudice to sections 18A to 18C of this Act,”;
  - (b) in subsection (6), at the beginning there shall be inserted “Subject to subsection (6A) below,”;
  - (c) after subsection (6) there shall be inserted—

“(6A) Such compliance as is mentioned in subsection (6) above shall not be effective to preserve any right to enforce a manager burden (“manager burden” being construed in accordance with

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- section 63(1) of the Title Conditions (Scotland) Act 2003 (asp 9).”;  
and
- (d) in subsection (7)(b)(i), after the word “right” there shall be inserted “(other than any sporting rights, as defined by section 65A(9) of this Act)”.
- 4 In section 20 (reallotment of real burden by order of Lands Tribunal)—
- (a) in subsection (1), the words from “within” to “ends” are repealed; and
- (b) in subsection (7)—
- (i) in paragraph (a), for the words “substantial loss or disadvantage to the applicant as owner (taking him to be such)” there shall be substituted “material detriment to the value or enjoyment of the applicant’s ownership (taking him to have ownership)”; and
- (ii) paragraph (b), and the word “or” which immediately precedes that paragraph, are repealed.
- 5 In section 25 (counter-obligations on reallotment)—
- (a) for the words “, 20 or 23” there shall be substituted “or 20”;
- (b) after the word “Act” there shall be inserted the words “or under section 56 or 63 of the Title Conditions (Scotland) Act 2003 (asp 9) (which make provision, respectively, as to facility burdens and service burdens and as to manager burdens)”; and
- (c) for the words from “(as the case may be)” to the end there shall be substituted “reallotment is effected”.
- 6 In section 27 (notice preserving right to enforce conservation burden)—
- (a) in subsection (1), after the words “Act; and” there shall be inserted “, without prejudice to section 27A(1) of this Act.”; and
- (b) in subsection (3)(a), for the words “26 of this Act” there shall be substituted “38 of the Title Conditions (Scotland) Act 2003 (asp 9) (which makes provision generally as respects conservation burdens)”.
- 7 In section 42 (further provision as respects certain sections of that Act which relate to real burdens)—
- (a) in each of subsections (1)(a), (3) and (4)(a), after the word—
- (i) “18,” there shall be inserted “18A, 18B, 18C.”; and
- (ii) “27” there shall be inserted “, 27A.”; and
- (b) at the end there shall be added—
- “(5) Nothing in this Part requires registration against land prospectively nominated as a dominant tenement but outwith Scotland.”.
- 8 In section 43 (notices and agreements under certain sections: extent of Keeper’s duty)—
- (a) in each of subsections (1) and (2)(a), after the word—
- (i) “18,” there shall be inserted “18A, 18B, 18C.”; and
- (ii) “27” there shall be inserted “, 27A.”;
- (b) in subsection (2), after paragraph (b) there shall be inserted—
- “(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

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- (ii) the statement made in pursuance of subsection (2) (e) of the section in question is correct;”; and
  - (c) in subsection (3)(a), after—
    - (i) the words “18(6),” there shall be inserted “18A(5), 18B(3), 18C(3),”; and
    - (ii) the word “28” there shall be inserted “, 28A”.
- 9 In section 46(2) (discretion of Keeper in relation to entries in title sheet), for the word “enforceable” there shall be substituted “subsisting”.
- 10 In section 49 (interpretation of Part 4)—
  - (a) in the definition of “conservation body”, for the words “under section 26(1) of this Act” there shall be substituted “by order under section 38(4) of the Title Conditions (Scotland) Act 2003 (asp 9)”;
  - (b) in the definition of “conservation burden”, for the words “section 27(1)” there shall be substituted “sections 27(1) and 27A(1)”;
  - (c) after the definition of “development value burden” and “development value” there shall be inserted—
    - ““economic development burden” shall be construed in accordance with section 18B(3) of this Act;
    - “health care burden” shall be construed in accordance with section 18C(3) of this Act;
    - “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39);”;
  - (d) after the definition of “notary public” there shall be inserted—
    - ““personal pre-emption burden” and “personal redemption burden” shall be construed in accordance with section 18A(5) of this Act”;
    - and
  - (e) in the definition of “real burden”, at the end of paragraph (b) there shall be added “or sporting rights (as defined by section 65A(9) of this Act)”.
- 11 In section 54 (extinction of superior’s rights and obligations *qua* superior)—
  - (a) in subsection (1)—
    - (i) for the words “section 60(1)” there shall be substituted “sections 60(1) and 65A”; and
    - (ii) after the words “*qua* superior” there shall be inserted “(including, without prejudice to that generality, sporting rights as defined by subsection (9) of that section 65A)”;
  - (b) in subsection (3), after paragraph (a) there shall be inserted—
    - “(aa) a right of enforcement held by virtue of of section 13, 33, 60(1) or 65A of this Act;”.
- 12 In section 56 (extinction etc. of certain payments analogous to feuduty)—
  - (a) in subsection (1), for the words “land obligation” there shall be substituted “title condition”; and
  - (b) for subsection (3) there shall be substituted—
    - “(3) The definition of “title condition” in section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9) shall apply for the purposes of this section as that definition applies for the purposes of that Act.”.

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- 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.”.
- 14 In section 75 (saving for contractual rights) the existing words become subsection (1) and after that subsection there is added—
- “(2) In construing the expression “parties to the grant” in subsection (1) above, any enactment or rule of law whereby investiture is deemed renewed when the parties change shall be disregarded.”.
- 15 In section 77 (short title and commencement)—

- (a) in subsection (2)(a), for the words “63 to” there shall be substituted “64, 65,”; and
- (b) in subsection (4)(a), for the words “and 47 to 49” there shall be substituted “, 47 to 49, 63 and 65A”.

16 After schedule 5 there shall be inserted—

“SCHEDULE 5A

*(introduced by section 18A(1))*

FORM OF NOTICE PROSPECTIVELY CONVERTING REAL BURDEN INTO  
PERSONAL PRE-EMPTION BURDEN OR PERSONAL REDEMPTION BURDEN

“NOTICE PROSPECTIVELY CONVERTING REAL BURDEN INTO PERSONAL PRE-EMPTION  
BURDEN OR PERSONAL REDEMPTION BURDEN

**Superior:**

*(see note for completion 1)*

**Description of land which is to be servient tenement:**

*(see note for completion 2)*

**Terms of real burden:**

*(see note for completion 3)*

**Any counter obligation:**

*(see note for completion 3)*

**Title to the superiority:**

*(see note for completion 4)*

**Service:**

*(see note for completion 5)*

**I swear [or affirm] that the information contained in the notice is, to the best of my knowledge and belief, true.**

**Signature of superior:**

*(see note for completion 6)*

**Signature of notary public:**

**Date:**       .”.

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

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*Explanatory Note*

*(This explanation has no legal effect)*

This notice is sent by your feudal superior. In this notice your property (or some part of it) is referred to (prospectively) as the “servient tenement”.

By this notice the feudal superior asserts that at present your property is subject to a right of pre-emption [*or of redemption*] enforceable by him and claims the right to continue to enforce it not as superior but in a personal capacity. The notice, if it is registered in the Land Register or Register of Sasines under section 18A of the Abolition of Feudal Tenure etc. (Scotland) Act 2000, will allow him to enforce the right after the feudal system is abolished (which will be shortly).

If you think that there is a mistake in this notice or if you wish to challenge it, you are advised to contact your solicitor or other adviser.

*Notes for completion of the notice*

*(These notes have no legal effect)*

- 1      Insert name and address of superior.
- 2      Describe the land in a way that is sufficient to enable the Keeper to identify it by reference to the Ordnance Map. Where the title to the land has been registered in the Land Register the description should refer to the title number of the land or of the larger subjects of which the land forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 3      Specify by reference to the appropriate Register the deed or deeds in which the real burden or counter-obligation was imposed. Set out the real burden or counter-obligation in full or refer to the deed in such a way as to identify the real burden or counter-obligation.
- 4      Where the title has been registered in the Land Register of Scotland and the superior is

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

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- (a) registered as proprietor, specify the title number;
- (b) not so registered, specify the title number and set out the midcouples or links between the person last registered and the superior so as sufficiently to identify them.

Where the title has not been registered in the Land Register and the superior—

- (a) has a recorded title, specify by reference to the Register of Sasines the deed constituting the immediate title;
- (b) does not have a recorded title, either—
  - (i) specify by reference to the Register of Sasines the deed constituting the immediate title of the person with the last recorded title and set out the midcouples or links between that person and the superior so as sufficiently to identify them; or
  - (ii) if there is no such deed, specify the nature of the superior's title

5 Do not complete until a copy of the notice has been sent to the owner of the prospective servient tenement (except in a case where this is not reasonably practicable). Then insert whichever is applicable of the following:

“The superior has sent a copy of this notice by [*specify whether by recorded delivery or registered post or by ordinary post*] on [*date of posting*] to the owner of the prospective servient tenement at [*state address*].”; or

“It has not been reasonably practicable to send a copy of this notice to the owner of the prospective servient tenement for the following reason: [*specify the reason*].”.

6 The superior should not swear or affirm, or sign, until a copy of the notice has been sent (or otherwise) as mentioned in note 5. Before signing, the superior should swear or affirm before a notary public (or, if the notice is being completed outwith Scotland, before a person duly authorised under the local law to administer oaths or receive affirmations) that, to the best of the superior's knowledge and belief, all the information contained in the notice is true. The notary public should also sign. Swearing or affirming a statement which is known to be false or which is believed not to be true is a criminal offence under the False Oaths (Scotland) Act 1933. Normally the superior should swear or affirm, and sign, personally. If, however, the superior is legally disabled or incapable (for example, because of mental disorder) his legal representative should swear or affirm and sign. If the superior is not an individual (for example, if it is a company) a person entitled by law to sign formal documents on its behalf should swear or affirm and sign.

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

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## SCHEDULE 5B

*(introduced by section 18B(1))*

### FORM OF NOTICE PROSPECTIVELY CONVERTING REAL BURDEN INTO ECONOMIC DEVELOPMENT BURDEN

“NOTICE PROSPECTIVELY CONVERTING REAL BURDEN INTO ECONOMIC DEVELOPMENT  
 BURDEN

**Superior:**

*(see note for completion 1)*

**Description of land which is to be servient tenement:**

*(see note for completion 2)*

**Terms of real burden:**

*(see note for completion 3)*

**Statement that purpose was to promote economic development:**

*(with supporting evidence: see note for completion 3)*

**Any counter obligation:**

*(see note for completion 3)*

**Title to the superiority:**

*(see note for completion 4)*

**Service:**

*(see note for completion 5)*

**Signature on behalf of superior:**

**Date:** \_\_\_\_\_.”

*Explanatory Note*

*(This explanation has no legal effect)*

This notice is sent by your feudal superior, that is to say by [the Scottish Ministers] or [specify local authority].

By this notice the feudal superior asserts that at present your property is subject to a real burden enforceable by the superior and claims both the right to continue to enforce it, not as superior but in a personal capacity, and that the real burden is for the purpose of promoting economic development. The notice, if it is registered in the Land Register or Register of Sasines under section 18B of the Abolition of Feudal Tenure etc. (Scotland) Act 2000, will allow the superior to enforce that right after the feudal system is abolished (which will be shortly).

If you think that there is a mistake in this notice or if you wish to challenge it, you are advised to contact your solicitor or other adviser.

*Notes for completion of the notice*

*(These notes have no legal effect)*

- 1 Insert “the Scottish Ministers” or as the case may be the name and address of the local authority.



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

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- 2 Describe the land in a way that is sufficient to enable the Keeper to identify it by reference to the Ordnance Map. Where the title to the land has been registered in the Land Register the description should refer to the title number of the land or of the larger subjects of which the land forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 3 Specify by reference to the appropriate Register the deed or deeds in which the real burden or counter-obligation was imposed. Set out the terms of the real burden, or as the case may be the terms of the counter-obligation, in full or refer to the deed in such a way as to identify the real burden or counter-obligation. Provide the statement specified and set out any information which supports it.
- 4 Where the title has been registered in the Land Register of Scotland and the superior is—
  - (a) registered as proprietor, specify the title number;
  - (b) not so registered, specify the title number and set out the midcouples or links between the person last registered and the superior so as sufficiently to identify them.Where the title has not been registered in the Land Register and the superior—
  - (a) has a recorded title, specify by reference to the Register of Sasines the deed constituting the immediate title;
  - (b) does not have a recorded title, either—
    - (i) specify by reference to the Register of Sasines the deed constituting the immediate title of the person with the last recorded title and set out the midcouples or links between that person and the superior so as sufficiently to identify them; or
    - (ii) if there is no such deed, specify the nature of the superior's title.
- 5 Do not complete until a copy of the notice has been sent to the owner of the prospective servient tenement (except in a case where such sending is not reasonably practicable). Then insert whichever is applicable of the following:

“The superior has sent a copy of this notice by [*specify whether by recorded delivery or registered post or by ordinary post*] on [*date of posting*] to the owner of the prospective servient tenement at [*state address*].”; or

“It has not been reasonably practicable to send a copy of this notice to the owner of the prospective servient tenement and the reason is that: [*specify the reason*].”.

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

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## SCHEDULE 5C

*(introduced by section 18C(1))*

### FORM OF NOTICE PROSPECTIVELY CONVERTING REAL BURDEN INTO HEALTH CARE BURDEN

“NOTICE PROSPECTIVELY CONVERTING REAL BURDEN INTO HEALTH CARE BURDEN

**Superior:**

*(see note for completion 1)*

**Description of land which is to be servient tenement:**

*(see note for completion 2)*

**Terms of real burden:**

*(see note for completion 3)*

**Statement that purpose was to promote the provision of facilities for health care:**

*(with supporting evidence: see note for completion 3)*

**Any counter obligation:**

*(see note for completion 3)*

**Title to the superiority:**

*(see note for completion 4)*

**Service:**

*(see note for completion 5)*

**Signature on behalf of superior:**

**Date:** \_\_\_\_\_.

*Explanatory Note*

*(This explanation has no legal effect)*

This notice is sent by your feudal superior: that is to say by [the Scottish Ministers] or [specify National Health Service trust].

By this notice the feudal superior asserts that at present your property is subject to a real burden enforceable by the superior and claims both the right to continue to enforce it, not as superior but in a personal capacity, and that the real burden is for the purpose of promoting the provision of facilities for health care. The notice, if it is registered in the Land Register or Register of Sasines under section 18C of the Abolition of Feudal Tenure etc. (Scotland) Act 2000, will allow the superior to enforce that right after the feudal system is abolished (which will be shortly).

If you think that there is a mistake in this notice or if you wish to challenge it, you are advised to contact your solicitor or other adviser.

*Notes for completion of the notice*

*(These notes have no legal effect)*

- 1 Insert “the Scottish Ministers” or as the case may be the name and address of the National Health Service trust.

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

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- 2 Describe the land in a way that is sufficient to enable the Keeper to identify it by reference to the Ordnance Map. Where the title to the land has been registered in the Land Register the description should refer to the title number of the land or of the larger subjects of which the land forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 3 Specify by reference to the appropriate Register the deed or deeds in which the real burden or counter-obligation was imposed. Set out the terms of the real burden, or or as the case may be the terms of the counter-obligation, in full or refer to the deed in such a way as to identify the real burden or counter-obligation. Provide the statement specified and set out any information which supports it.
- 4 Where the title has been registered in the Land Register of Scotland and the superior is—
- (a) registered as proprietor, specify the title number;
  - (b) not so registered, specify the title number and set out the midcouples or links between the person last registered and the superior so as sufficiently to identify them.
- Where the title has not been registered in the Land Register and the superior
- (a) has a recorded title, specify by reference to the Register of Sasines the deed constituting the immediate title;
  - (b) does not have a recorded title, either—
    - (i) specify by reference to the Register of Sasines the deed constituting the immediate title of the person with the last recorded title and set out the midcouples or links between that person and the superior so as sufficiently to identify them; or
    - (ii) if there is no such deed, specify the nature of the superior's title.
- 5 Do not complete until a copy of the notice has been sent to the owner of the prospective servient tenement (except in a case where such sending is not reasonably practicable). Then insert whichever is applicable of the following:
- “The superior has sent a copy of this notice by *[specify whether by recorded delivery or registered post or by ordinary post]* on *[date of posting]* to the owner of the prospective servient tenement at *[state address]*.”; or
- “It has not been reasonably practicable to send a copy of this notice to the owner of the prospective servient tenement and the reason is that: *[specify the reason]*.”.
- 17 In schedule 8 (form of notice preserving conservation body's or Scottish Ministers' right to real burden), for note 1 of the notes for completion of the notice there shall be substituted—
- “1 In the case of a conservation body, insert the year and number of the relevant statutory instrument and the name and address of that body.”.
- 18 After schedule 8 there shall be inserted—

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**“SCHEDULE 8A**

*(introduced by section 27A(1))*

**FORM OF NOTICE NOMINATING CONSERVATION BODY OR  
SCOTTISH MINISTERS TO HAVE TITLE TO ENFORCE REAL BURDEN**

“NOTICE NOMINATING CONSERVATION BODY OR SCOTTISH MINISTERS TO HAVE TITLE TO  
ENFORCE REAL BURDEN

**Superior:**

**Nominee (being a conservation body or the Scottish Ministers):**

*(see note for completion 1)*

**Description of land subject to the real burden:**

*(see note for completion 2)*

**Terms of real burden:**

*(see note for completion 3)*

**Any counter-obligation:**

*(see note for completion 3)*

**Title to the superiority:**

*(see notes for completion 4 and 5)*

**Service:**

*(see note for completion 6)*

**Signature of superior:**

*(see note for completion 7)*

**Signature of consenting nominee:**

*(see note for completion 8)*

**Signature of superior’s witness:**

**Signature of nominee’s witness:**

**Name and address of witness:**

**Name and address of witness:**

**Date:**            .”

*Explanatory note*

*(This explanation has no legal effect)*

This notice is sent by your feudal superior.

At present the use of your property is subject to certain burdens and conditions enforceable by the feudal superior. The feudal system is shortly to be abolished. The feudal superior intends to nominate a conservation body or the Scottish Ministers to have title to enforce certain of those burdens (referred to prospectively as “conservation burdens”) when he ceases to have such title. These are burdens which have been imposed in the public interest for the preservation or protection either of architectural or historic characteristics of land or of some other special characteristic of land derived from the flora, fauna or general appearance of the land. By virtue of this notice the nominee would have the right to enforce a conservation burden in the capacity of conservation body or of the Scottish Ministers, as the case may be. The notice, if it is registered in the Land Register of Scotland or recorded in the Register of Sasines under section 27A of the Abolition of Feudal Tenure etc. (Scotland) Act 2000, will allow the burden to be so enforced after the feudal system has been abolished.

If you think there is a mistake in this notice or if you wish to challenge it, you are advised to consult your solicitor or other adviser.

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

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*Notes for completion of the notice*

*(These notes have no legal effect)*

- 1 In the case of a conservation body, insert the year and number of the relevant statutory instrument and the name and address of that body.
- 2 Describe the land in a way that is sufficient to enable the Keeper to identify it by reference to the Ordnance Map. Where the title to the land has been registered in the Land Register the description should refer to the title number of the land or of the larger subjects of which the land forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 3 Specify by reference to the appropriate Register the deed or deeds in which the real burden or counter-obligation was imposed. Set out the real burden or counter-obligation in full or refer to the deed in such a way as to identify the real burden or counter-obligation.
- 4 Where the title has been registered in the Land Register of Scotland and the superior is
  - (a) infeft, specify the title number;
  - (b) uninfert, specify the title number and set out the midcouples or links between the person last infeft and the superior so as sufficiently to identify them.
- 5 Where the title has not been registered in the Land Register and the superior
  - (a) has a recorded title, specify by reference to the Register of Sasines the deed constituting the immediate title;
  - (b) does not have a recorded title, either
    - (i) specify by reference to the Register of Sasines the deed constituting the immediate title of the person last infeft and set out the midcouples or links between the person last infeft and the superior so as sufficiently to identify them; or
    - (ii) if there is no such deed, specify the nature of the superior's title.
- 6 Do not complete until a copy of the notice has been sent to the owner of the land subject to the burden (except in a case where this is not reasonably practicable). Then insert whichever is applicable of the following:

“The superior has sent a copy of this notice by *[specify whether by recorded delivery or registered post or by ordinary post]* on *[date of posting]* to the owner of the land subject to the real burden at *[state address]*.”; or

“It has not been reasonably practicable to send a copy of this notice to the owner of the land subject to the real burden for the following reason: *[specify the reason]*.”.
- 7 The notice should not be signed by the superior until a copy of it has been sent (or otherwise) as mentioned in note 6.
- 8 The nominee should sign, so as to indicate consent, before that copy is sent (or otherwise) as so mentioned.”.

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“SCHEDULE 11A

*(introduced by section 65A(1))*

FORM OF NOTICE PROSPECTIVELY CONVERTING  
SPORTING RIGHTS INTO TENEMENT IN LAND

“NOTICE PROSPECTIVELY CONVERTING SPORTING RIGHTS INTO TENEMENT IN LAND

**Superior:**

*(see note for completion 1)*

**Description of land subject to sporting rights:**

*(see note for completion 2)*

**Description of sporting rights:**

*(see note for completion 3)*

**Any counter-obligation:**

*(see note for completion 3)*

**Title to the superiority:**

*(see note for completion 4)*

**Service:**

*(see note for completion 5)*

**I swear [or affirm] that the information contained in this notice is, to the best of my knowledge and belief, true.**

**Signature of superior:**

*(see note for completion 6)*

**Signature of notary public:**

**Date:** . . .

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*Explanatory note*

*(This explanation has no legal effect)*

This notice is sent by your feudal superior.

By it the feudal superior asserts that at present your property is subject to certain sporting rights (that is to say, to rights of fishing or game) enforceable by him as superior and he seeks to continue to enjoy those rights on a different basis: that is to say, as a tenement in land.

The notice, if it is registered in the Land Register of Scotland or recorded in the Register of Sasines under section 65A of the Abolition of Feudal Tenure etc. (Scotland) Act 2000, will have that effect when (shortly) the feudal system is abolished.

If you think there is a mistake in this notice or if you wish to challenge it, you are advised to consult your solicitor or other adviser.

*Notes for completion of the notice*

*(These notes have no legal effect)*

- 1     Insert name and address of superior.
  - 2     Describe the land in a way that is sufficient to enable the Keeper to identify it by reference to the Ordnance Map. Where the title to the land has been registered in the Land Register the description should refer to the title number of the land or of the larger subjects of which the land forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
  - 3     Specify by reference to the appropriate Register the deed or deeds in which the sporting rights were reserved or the counter-obligation was imposed. Describe the sporting rights or set out the counter-obligation in full or refer to the deed in such a way as to identify those rights or that counter-obligation.
  - 4     Where the title has been registered in the Land Register of Scotland and the superior is—
    - (a)   infert, specify the title number;
    - (b)   uninfert, specify the title number and set out the midcouples or links between the person last infert and the superior so as sufficiently to identify them.
- Where the title has not been registered in the Land Register and the superior—
- (a)   has a recorded title, specify by reference to the Register of Sasines the deed constituting the immediate title;
  - (b)   does not have a recorded title, either—
    - (i)   specify by reference to the Register of Sasines the deed constituting the immediate title of the person last infert and set out the midcouples or links between the person last infert and the superior so as sufficiently to identify them; or

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- (ii) if there is no such deed, specify the nature of the superior's title.
- 5 Do not complete until a copy of the notice has been sent to the owner of the land subject to the sporting rights (except in a case where this is not reasonably practicable). Then insert whichever is applicable of the following:
- “The superior has sent a copy of this notice by [*specify whether by recorded delivery or registered post or by ordinary post*] on [*date of posting*] to the owner of the land subject to the sporting rights at [*state address*].”; or
- “It has not been reasonably practicable to send a copy of this notice to the owner of the land subject to the sporting rights for the following reason: [*specify the reason*].”.
- 6 The notice should not be signed by the superior until a copy of it has been sent (or otherwise) as mentioned in note 5. Before signing, the superior should swear or affirm before a notary public (or, if the notice is being completed outwith Scotland, before a person duly authorised under the local law to administer oaths or receive affirmations) that, to the best of the superior's knowledge and belief, all the information contained in the notice is true. The notary public should also sign. Swearing or affirming a statement which is known to be false or which is believed not to be true is a criminal offence under the False Oaths (Scotland) Act 1933. Normally the superior should swear or affirm, and sign, personally. If, however, the superior is legally disabled or incapable (for example, because of mental disorder) his legal representative should swear or affirm and sign. If the superior is not an individual (for example, if it is a company) a person entitled by law to sign formal documents on its behalf should swear or affirm and sign.”.
- 20 In schedule 12 (minor and consequential amendments), in paragraph 9(17), for the word “offences” there shall be substituted “offices”.

## SCHEDULE 14

*(introduced by section 128(1))*

### 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.



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(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”—

- (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,”.

#### *Titles to Land Consolidation (Scotland) Act 1868 (c. 101)*

2 In section 138 of the Titles to Land Consolidation (Scotland) Act 1868 (use in any deed of short clauses of consent to registration), for the words “forms Nos. 1 and 2” there shall be substituted “form No.1”.

#### *Conveyancing (Scotland) Act 1924 (c. 27)*

3 (1) The Conveyancing (Scotland) Act 1924 shall be amended in accordance with this paragraph.

(2) In section 8(5) (application of Schedule D to the Act), for the words “Schedule H of the Conveyancing (Scotland) Act 1874” there shall be substituted “schedule 1 to the Title Conditions (Scotland) Act 2003 (asp 9)”.

(3) In section 40(2) (powers of creditor), after the word “conditions” there shall be inserted “(whether or not by creating a real burden)”.

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*Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35)*

- 4 (1) The Conveyancing and Feudal Reform (Scotland) Act 1970 shall be amended in accordance with this paragraph.
- (2) In section 9 (which introduces the standard security)—
- (a) after subsection (2A) there shall be inserted—
- “(2B) It shall not be competent to grant a standard security over a personal pre-emption burden or personal redemption burden (both within the meaning of Part 4 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5).”;
- (b) in subsection (8)(b), for the definition of “interest in land” there shall be substituted—
- ““real right in land” means any such right, other than ownership or a real burden, which is capable of being held separately and to which a title may be recorded in the Register of Sasines;”.
- (3) In section 19 (calling-up of standard security), in subsection (4), for the words “infert in” there shall be substituted “having title to”.
- (4) In section 19A(1) (notice to occupier of calling up), for the words “an interest” there shall be substituted “land or a real right”.
- (5) In section 24(3) (application by creditor for remedies on default), for the words “an interest” there shall be substituted “land or a real right”.

*Prescription and Limitation (Scotland) Act 1973 (c. 52)*

- 5 (1) The Prescription and Limitation (Scotland) Act 1973 shall be amended in accordance with this paragraph.
- (2) In section 1 (prescriptive period in relation to real rights in land), in subsection (3), after the word “to”, where it fourthly occurs, there shall be inserted “real burdens,”.
- (3) In Schedule 1 (obligations affected by prescriptive periods of five years under section 6 of the Act)—
- (a) in paragraph 1(a)(vii), for the words “land obligation” there shall be substituted “title condition”; and
- (b) for paragraph 4 there shall be substituted—
- In this Schedule, “title condition” shall be construed in accordance with section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9).”.
- (4) In Schedule 3 (rights and obligations which are imprescriptible for certain purposes of the Act), in sub-paragraph (h), for the word “interest” there shall be substituted “real right”.

*Land Tenure Reform (Scotland) Act 1974 (c. 38)*

- 6 In section 2 of the Land Tenure Reform (Scotland) Act 1974 (prohibition of new ground annuals and other periodical payments from land)—
- (a) in subsection (1), for the words “land obligation” there shall be substituted “title condition”; and

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(b) after subsection (2) there shall be added—

“(3) In subsection (1) above, “title condition” has the meaning given by section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9).”.

*Land Registration (Scotland) Act 1979 (c. 33)*

7 (1) The 1979 Act shall be amended in accordance with this paragraph.

(2) In each of sections 2(6) (interpretation) and 3(1) (effect of registration), for the words “sections 17, 18 and” there shall be substituted “section”.

(3) In section 3(6) (special provision as respects completion of title)—

(a) for the words “an uninfert proprietor” there shall be substituted “an unregistered holder”;

(b) for the words “the uninfert proprietor” there shall be substituted “him”;

(c) for the word “infert” there shall be substituted “registered as entitled to the interest”; and

(d) for the words from “section 4” to “land”, where it secondly occurs, there shall be substituted “—

(a) section 4 of the Conveyancing (Scotland) Act 1924 (c. 27);

(b) section 18A(8)(a) of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5); and

(c) section 41(a) of the Title Conditions (Scotland) Act 2003 (asp 9),

(each of which relate to completion of title) shall be of no effect in relation to such an interest in land.”.

(4) In section 6 (the title sheet), at the end there is added—

“(6) In subsections (1)(e) and (2) above, “condition” includes a servitude created by a deed registered in accordance with section 75(1) of the Title Conditions (Scotland) Act 2003 (asp 9) and a rule of a development management scheme (“development management scheme” being construed in accordance with section 71 of that Act).”.

(5) In section 12 (indemnity in respect of loss)—

(a) in subsection (3), after paragraph (g) there shall be inserted—

“(gg) the loss arises from inability to enforce sporting rights converted into a tenement in land by virtue of section 65A of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), unless the Keeper expressly assumes responsibility for the enforceability of those rights;”;

(b) at the end there is added—

“(5) In subsection (3)(g) above, “condition” includes a rule of a development management scheme (“development management scheme” being construed in accordance with section 71 of the Title Conditions (Scotland) Act 2003 (asp 9)).”.

(6) In section 15 (simplification of deeds relating to registered interests), for subsection (3) there shall be substituted—

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“(3) It shall not be necessary, in any deed relating to a registered interest in land, to deduce title if evidence of sufficient midcouples or links between the unregistered holder and the person last registered as entitled to the interest are produced to the Keeper on registration in respect of that interest in land.”.

(7) In section 28(1) (interpretation)—

- (a) in the definition of “incorporeal heritable right”—
  - (i) the existing words “a right to salmon fishings” shall become paragraph (a);
  - (ii) after that paragraph there shall be inserted the word “; or” and the following paragraph—
    - “(b) sporting rights (as defined by section 65A(9) of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5));”;
- (b) in paragraph (d) of the definition of “overriding interest”, for the words “a servitude” there shall be substituted “any servitude which was not created by registration in accordance with section 75(1) of the Title Conditions (Scotland) Act 2003 (asp 9)”.

*Ancient Monuments and Archaeological Areas Act 1979 (c. 46)*

8 In section 17 of the Ancient Monuments and Archaeological Areas Act 1979 (agreements concerning ancient monuments and land in their vicinity), for subsection (7) there shall be substituted—

“(7) Section 84 of the Law of Property Act 1925 (c. 20) (power of Lands Tribunal to discharge or modify restrictive covenant) shall not apply to an agreement under this section.”.

*Health and Social Services and Social Security Adjudications Act 1983 (c. 41)*

9 In section 23 of the Health and Social Services and Social Security Adjudications Act 1983 (arrear of contributions secured over interest in land in Scotland)—

- (a) in subsection (1)(b)—
  - (i) after the word “Scotland” (and within the parentheses) there shall be inserted ““an interest in land” meaning land or;”;
  - (ii) after the words “1970” (and within the parentheses) there shall be inserted “, a real right in land”; and
- (b) for subsection (4) there shall be substituted—
  - “(4) Where an interest in land (as defined in subsection (1)(b) above) over which a charging order is made is an interest to which the debtor does not have a completed title, the order shall be as valid as if the debtor had such title.”.

*Further and Higher Education (Scotland) Act 1992 (c. 37)*

10 In Schedule 3 to the Further and Higher Education (Scotland) Act 1992 (transfer and apportionment of property)—

- (a) in paragraph 1—

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- (i) in each of sub-paragraphs (2) and (3), for the words “land obligations” there shall be substituted “title conditions”; and
- (ii) for sub-paragraph (5) there shall be substituted—

“(5) In this Schedule, “title conditions” has the meaning given by section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9).”; and

- (b) in paragraph 4(6), for the words “land obligations” there shall be substituted “title conditions”.

*Crofters (Scotland) Act 1993 (c. 44)*

- 11 In section 16(6) of the Crofters (Scotland) Act 1993 (provisions relating to conveyance), for the words “land obligations as defined in section 1(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970” there shall be substituted “title conditions, within the meaning given by section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9).”.

*Standards in Scotland's Schools etc. Act 2000 (asp 6)*

- 12 In section 58(1) of the Standards in Scotland's Schools etc. Act 2000 (interpretation), in the definition of “land”, for the words “land obligations (as defined in section 2(6) of the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35)” there shall be substituted “title conditions, within the meaning given by section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9)”.

*Mortgage Rights (Scotland) Act 2001 (asp 11)*

- 13 In each of sections 1(1) (application to suspend enforcement of standard security) and 4(4) (notices to proprietors and occupiers) of the Mortgage Rights (Scotland) Act 2001, for the words “an interest” there shall be substituted “land or a real right”.

SCHEDULE 15

*(introduced by section 128)*

REPEALS

<i>Enactment</i>	<i>Extent of repeal</i>
Registration Act 1617 (c. 16) (Act of the Parliaments of Scotland)	The words from “It is”, where they first occur, to “improving”; and the words from “It is”, where they thirdly occur, to “sufficient”.
Redemptions Act 1661 (c. 247) (Act of the Parliaments of Scotland)	The whole Act.
Registration of Leases (Scotland) Act 1857 (c. 26)	Section 3(5).
Conveyancing (Scotland) Act 1874 (c. 94)	Section 32. Schedule H.

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<i>Enactment</i>	<i>Extent of repeal</i>
Conveyancing (Scotland) Act 1924 (c. 27)	Section 9. Section 40(3). In Schedule B, in Form No 1, the words “there are”; and the words from “and have entered” to “and others which affect the land or any part thereof”. Schedule E. In Schedule O, the words “with a warrant of registration”.
Church of Scotland (Property and Endowments) Act 1925 (c. 33)	Section 22(2)(h).
Church of Scotland (Property and Endowments) (Amendment) Act 1933 (c. 44)	In section 9(3), the words from “at such price” to the end.
Conveyancing Amendment (Scotland) Act 1938 (c. 24)	Section 9.
Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35)	Sections 1, 2 and 7. In section 53(4), the definition of “prescribed”. Schedule 1.
Land Tenure Reform (Scotland) Act 1974 (c. 38)	In section 19, the words “and section 2(4) of the said Act of 1970” and “in both of those provisions,”.
Land Registration (Scotland) Act 1979 (c. 33)	In section 15(2), paragraph (a); and the words “; and (b)” immediately following that paragraph. Sections 17 and 18.
Aviation Security Act 1982 (c. 36)	In Schedule 1, in paragraph 5(b), the words “to a feuduty or ground annual or”.
Housing (Scotland) Act 1987 (c. 26)	Section 72(7).
Aviation and Maritime Security Act 1990 (c. 31)	In Schedule 2, in paragraph 5(b), the words “to a feuduty or ground annual or”.
Enterprise and New Towns (Scotland) Act 1990 (c. 35)	In section 32(3), the words “as is mentioned in section 8(6) of this Act”.
Further and Higher Education (Scotland) Act 1992 (c. 37)	In Schedule 3, in paragraph 2(3), the words “, feuduties, stipend”.
Requirements of Writing (Scotland) Act 1995 (c. 7)	Section 13(2).
Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)	In section 17(1), the words “23,”. Section 20(8)(b) and (c). Section 23.

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<i>Enactment</i>	<i>Extent of repeal</i>
	In section 24, the words “and 23”.
	Section 26.
	In section 28, the words “Subject to section 31 of this Act,”.
	Sections 29 to 32.
	In section 46(1), the words “or 20(8)(b) or (c)”.
	In section 49, in the definition of “real burden”, paragraph (a)(iii).
	Section 60(2).
	In section 77, in subsection (2), the words “Subject to subsection (4)(c) and (d) below,”; and in subsection (4), paragraphs (c) and (d) and the words from “but” to the end.
	In schedule 8, in the explanatory note, the words “or that a conservation body shall enforce those burdens on their behalf”.
	In schedule 12, paragraphs 2 and 7(6); in paragraph 9, in sub-paragraph (4)(d)(ii), the word “shall” and sub-paragraphs (8) and (21); paragraphs 15(8), 16(2)(a), 18(3) and 30(2), (3), (5), (6)(d)(ii) and (22); and, in paragraph 39, head (c) of sub-paragraph (3) (and the word “and” immediately preceding that head) and sub-paragraph (6).
	Schedule 13 in so far as it relates to section 32 of and Schedule H to the Conveyancing (Scotland) Act 1874; to section 9 of the Conveyancing (Scotland) Act 1924; to section 22(2)(h) of the Church of Scotland (Property and Endowments) Act 1925; to section 2 of and Schedule 1 to the Conveyancing and Feudal Reform (Scotland) Act 1970; and to sections 3(6) and 15(2) (a) of the Land Registration (Scotland) Act 1979.

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