



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 11

SAVINGS, TRANSITIONAL AND GENERAL

General

123 The expression “owner”

- (1) Subject to subsections (2) and (3) below, in this Act “owner”, in relation to any property, means a person who has right to the property whether or not that person has completed title; but if, in relation to the property (or, if the property is held pro indiviso, any pro indiviso share in the property) more than one person comes within that description of owner, then “owner”—
 - (a) for the purposes of sections 4(2)(b), 6(1)(a), 15, 16, 19, 33(1) and (2) and 35 of this Act, means any person having such right; and
 - (b) for any other purposes means such person as has most recently acquired such right.
- (2) Where a heritable creditor is in lawful possession of security subjects which comprise the property, then “owner”—
 - (a) for the purposes of the sections mentioned in paragraph (a) of subsection (1) above includes, in addition to any such person as is there mentioned, that heritable creditor; and
 - (b) for any other purposes (other than of construing section 1 of this Act) means the heritable creditor.
- (3) In section 60(1) of this Act, “owner” in relation to any property has the meaning given by subsection (1) above except that, for the purposes of this subsection, in that subsection—
 - (a) the words “Subject to subsections (2) and (3) below, in this Act” shall be disregarded; and
 - (b) paragraph (a) shall be construed as if section 60(1) were one of the sections mentioned.