



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 5

REAL BURDENS: MISCELLANEOUS

59 Effect of extinction etc. on court proceedings

Where by virtue of this Act, a real burden is to any extent discharged, extinguished or made unenforceable, then on and after the day on which that happens (but only to the extent in question)—

- (a) no proceedings for enforcement shall be commenced;
- (b) any such proceedings already commenced shall, in so far as they do not relate to the payment of money, be deemed to have been abandoned on that day and may, without further process and without any requirement that full judicial expenses shall have been paid by the pursuer, be dismissed accordingly; and
- (c) any decree or interlocutor already pronounced in proceedings for such enforcement shall, in so far as it does not relate to the payment of money, be deemed to have been reduced, or as the case may be recalled, on that day.

Modifications etc. (not altering text)

- C1** Ss. 2, 3, 5, 10, 11, 13, 14, 16, 18, 59 to 61, 67, 70 and 105 applied (1.6.2009) by [The Title Conditions \(Scotland\) Act 2003 \(Development Management Scheme\) Order 2009 \(S.I. 2009/729\)](#), [art. 5\(1\)\(3\)\(4\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 59.