



# Title Conditions (Scotland) Act 2003

## 2003 asp 9

### PART 5

#### REAL BURDENS: MISCELLANEOUS

#### 67 Discharge of rights of irritancy

- (1) All rights of irritancy in respect of a breach of a real burden are, on the day on which this section comes into force, discharged; and on and after that day—
  - (a) it shall not be competent to create any such right; and
  - (b) any proceedings already commenced to enforce any such right shall be deemed abandoned and may, without further process and without any requirement that full judicial expenses shall have been paid by the pursuer, be dismissed accordingly.
- (2) Subsection (1)(b) above shall not affect any cause in which final decree (that is to say, any decree or interlocutor which disposes of the cause and is not subject to appeal or review) is granted before the coming into force of this section.

#### 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 67.