



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 8

PRE-EMPTION AND REVERSION

Pre-emption

83 Extinction following pre-sale undertaking

- (1) Where, in relation to any burdened property (or, as the case may be, part of such property)—
- (a) the holder of a right of pre-emption to which this section applies gives an undertaking (in the form, or as nearly as may be in the form, contained in schedule 10 to this Act) that, subject to such conditions (if any) as the holder may specify in the undertaking, the holder will not exercise that right during such period as may be so specified;
 - (b) a conveyance in implement of the sale of the burdened property (or part) is registered before the end of that period; and
 - (c) any conditions specified under paragraph (a) above have been satisfied,
- such right shall, on registration of such a conveyance, be extinguished unless the right is constituted as a rural housing burden in which case the title condition shall be taken to have been complied with as respects that sale only.
- (2) Any undertaking given under subsection (1) above—
- (a) is binding on the holder of the right of pre-emption; and
 - (b) if registered is binding on any successor as holder provided that the undertaking was registered before the successor completed title.