

SCHEDULE 5
MINOR AND CONSEQUENTIAL MODIFICATIONS

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

- 18 (1) The Prescription and Limitation (Scotland) Act 1973 is amended as follows.
- (2) In section 1 of the Prescription and Limitation (Scotland) Act 1973 (c.52) (validity of right), for subsection (1)(b) substitute—
- “(b) the registration of a deed which is sufficient in respect of its terms to constitute in favour of that person a real right in—
- (i) that land; or
- (ii) land of a description habile to include that land.”.
- (3) In section 2 (special cases)—
- (a) in subsection (1)(b), for “recorded or not” substitute “or not registered or recorded”,
- (b) in subsection (2)(b), after “been” insert “registered or”,
- (c) in subsection (3), for “section 3(3) of the Land Registration (Scotland) Act 1979 (c.33)” substitute “section 20B or 20C of the Registration of Leases (Scotland) Act 1857 (c.26)”.
- (4) In section 5 (further provision supplementary to sections 1, 2 and 3 of the Prescription and Limitation (Scotland) Act 1973), after subsection (1) insert—
- “(1A) Any reference in those sections to a real right’s being exempt from challenge as from the expiration of some continuous period is to be construed, if the real right of the possessor was void immediately before that expiration, as including reference to acquisition of the real right by the possessor.”.
- (5) In section 15(1) (interpretation of Part 1 of the Act), at end insert “and to the registering of a deed are to the registering thereof in the Land Register of Scotland”.
- (6) In paragraph 1 of schedule 1 (obligations affected by prescriptive periods of 5 years under section 6 of that Act), after sub-paragraph (ac) insert—
- “(ad) to any obligation of the Keeper of the Registers of Scotland to pay compensation by virtue of section 84 of the Land Registration etc. (Scotland) Act 2012 (asp 5);
- (ae) to any obligation to pay compensation by virtue of section 111 of that Act;”.
- (7) In paragraph 2 of that schedule (obligations which, notwithstanding paragraph 1 of the schedule, are not affected by prescriptive periods of 5 years under section 6 of that Act), in sub-paragraph (e)—
- (a) for “or (ac)” substitute “, (ac), (ad), or (ae)”,
- (b) after “servitude)” insert “and any obligation of the Keeper of the Registers of Scotland to pay compensation by virtue of section 77 or 94 of the Land Registration etc. (Scotland) Act 2012 (asp 5)”.
- (8) In schedule 3 (rights and obligations which are imprescriptible for certain purposes of that Act) after sub-paragraph (h) insert—
- “(i) any obligation of the Keeper of the Registers of Scotland to rectify an inaccuracy in the Land Register of Scotland”.