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**Changes to legislation:** Land Registration etc. (Scotland) Act 2012, Paragraph 43 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULE 5 MINOR AND CONSEQUENTIAL MODIFICATIONS

### *Title Conditions (Scotland) Act 2003 (asp 9)*

- 43 (1) The Title Conditions (Scotland) Act 2003 is amended as follows.
- (2) In section 4 (creation of real burdens), in subsection (1), repeal “, notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)”.
- (3) In section 41(b) (deed granted by holder of conservation burden without completing title), for “15(3) of the 1979 Act” substitute “ 101 of the Land Registration etc. (Scotland) Act 2012 (asp 5) ”.
- (4) Sections 51 and 58 are repealed.
- (5) In section 60 (grant of deed where title not completed: requirements)—
- (a) in subsection (1), for “15(3) of the 1979 Act” substitute “ 101 of the Land Registration etc. (Scotland) Act 2012 (asp 5) ”,
- (b) in subsection (2), repeal “or with section 15(3) of the 1979 Act”.
- (6) In section 71 (development management scheme), in subsection (1), repeal “, notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)”.
- (7) In section 73 (disapplication of development management schemes), in subsection (1)(b), repeal “notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)”.
- (8) In section 75 (creation of positive servitudes by writing: deed to be registered), in subsection (2), repeal “, notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)”.
- (9) In section 84(2) (extinction following offer to sell), after “section 2” insert “ or 9B ”.
- (10) In section 119 (savings and transitional provisions etc.), subsection (2) is repealed.
- (11) In section 122 (interpretation)—
- (a) in subsection (1)—
- (i) in the definition of “constitutive deed”, after “is” insert “, subject to subsection (4) below, ”,
- (ii) in the definition of “title condition”, in paragraph (e)(i), for “assignment of” substitute “ assignments of registered or ”,
- (b) after subsection (3) insert—
- “(4) If title is completed in the manner provided for in section 4 or 4A of the Conveyancing (Scotland) Act 1924 (c.27) (completion of title) and a midcouple relevant to the title sets out the terms of a title condition (or of a prospective title condition), then for the purposes of this Act the midcouple and notice of title are together the constitutive deed of the title condition.”.

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#### **Commencement Information**

**II** Sch. 5 para. 43 in force at 8.12.2014 by S.S.I. 2014/127, **art. 2**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A48B and cross-heading inserted by [2016 asp 18 s. 43\(2\)](#)
- s. 116(3)(ba)(bb) inserted by [2016 asp 18 s. 43\(3\)](#)