



# Land Registration etc. (Scotland) Act 2012

## 2012 asp 5

### PART 9

#### RIGHTS OF PERSONS ACQUIRING ETC. IN GOOD FAITH

##### *Extinction of encumbrances etc.*

#### **92 Extinction of encumbrance when lease assigned**

- (1) Where the conditions mentioned in subsection (2) are met, a person (“A”) who acquires a registered lease on registration or on a later date by virtue of section 88(4)(b)—
  - (a) takes that lease free of an encumbrance—
    - (i) of a kind mentioned in subsection (4), and
    - (ii) which is not entered in the title sheet as at the date on which A acquires the registered lease, and
  - (b) any such encumbrance is extinguished.
- (2) The conditions are that, as at the date on which the lease is acquired—
  - (a) A is in good faith, and
  - (b) the title sheet is not, by virtue of section 67, subject to a caveat relevant to such acquisition by A.
- (3) Subsection (1) does not apply to an heritable security which is not entered in the securities section of a shared lease title sheet by virtue of paragraph 8(b) of schedule 1.
- (4) The encumbrances are—
  - (a) a heritable security over the lease,
  - (b) a title condition such as is mentioned in paragraph (d) or (e) of the definition of “title condition” in section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9).