



# Waverley Railway (Scotland) Act 2006

## 2006 asp 13

### PART 3

#### MISCELLANEOUS AND GENERAL

#### 44 Registration of new rights

- (1) A servitude or other right acquired by the authorised undertaker under section 14 or 15 above shall, unless otherwise expressly stated in the instrument by which it is created, be treated for all purposes as benefiting the land from time to time held by the authorised undertaker for the purposes of the authorised works.
- (2) Notwithstanding section 75 of the [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), where a servitude falls to be treated as mentioned in subsection (1) above, the deed by which it is created shall be effective whether or not it is registered against the benefited property.