

# TITLE CONDITIONS (SCOTLAND) ACT 2003

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 11: Savings, Transitional and General**

#### *Schedule 15: Repeals*

#### **Abolition of Feudal Tenure etc. (Scotland) Act 2000**

594. The repeal of provisions in this Act comes into force on the day after Royal Assent (section 129(4)).
595. The reference in section 17(1) falls with the repeal of section 23 of the Act.
596. [Section 20\(8\)\(b\)](#) and (c) are unnecessary because of the extinguishing of feudal burdens by section 17(1) of the 2000 Act.
597. [Section 23](#) is replaced by section 56 of the Act.
598. [Section 24](#): The reference falls with the repeal of section 23 of the Act.
599. [Section 26](#) is replaced by section 38 of the Act.
600. [Section 28](#): The reference falls in consequence of the repeal of section 31 of the Act.
601. [Section 29](#) is replaced by section 39 of the Act.
602. [Section 30](#) is replaced by section 41 of the Act.
603. [Section 31](#) is replaced by section 42 of the Act.
604. [Section 32](#) is replaced by section 38(3) of the Act.
605. [Section 49](#): This definition is replaced by subsection (9) of new section 65A of the 2000 Act as inserted by section 114 of the Act.
606. [Section 60\(2\)](#) is replaced by section 44(2) of the Act.
607. [Section 77](#): This is consequential on the repeal, by this schedule, of section 15(2)(a) of the Land Registration (Scotland) Act 1979 and schedule 12 paragraph 39(6) of the 2000 Act.
608. [Schedule 8](#): The words repealed would not have been a possible outcome of sections 27 and 28 of the 2000 Act.
609. Schedule 12 to the 2000 Act contains minor and consequential amendments resulting from feudal abolition and the other reforms dealt with in the Act. As the Act now replaces and (in this schedule) repeals some of the provisions referred to in schedule 12, the relevant paragraphs of schedule 12 fall to be repealed in turn. Of the repeals listed, only the following do not come into the category just described:

*These notes relate to the Title Conditions (Scotland) Act  
2003 (asp 9) which received Royal Assent on 3 April 2003*

- Paragraph 7(6): As section 14 of the Land Registers (Scotland) Act 1868 does not relate to entails it should not cease to have effect.
  - Paragraph 9(4)(d)(ii): This is a minor drafting change.
  - Paragraph 30(6)(d)(ii): The words repealed are replaced by paragraph 4 of schedule 13 to the Act.
  - Paragraph 39(3)(c): The words repealed are replaced by paragraph 7(3) of schedule 13 to the Act.
  - Paragraph 39(6)(b): The words repealed are replaced by paragraph 7(5) of schedule 13 to the Act.
610. Schedule 13 to the 2000 Act contains repeals resulting from feudal abolition and the other reforms dealt with in the Act. As the Act now replaces and (in this schedule) repeals some of the provisions referred to in schedule 13, the relevant parts of schedule 13 fall to be repealed in turn. The only repeal not falling into this category is of words in section 3(6) of the Land Registration (Scotland) Act 1979. Section 3(6) is not repealed by the Act but it is re-cast by schedule 13 paragraph 7(3) in a way which supersedes the original repeal.