



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 8

PRE-EMPTION AND REVERSION

Reversion

87 Right to petition under section 7 of Entail Sites Act 1840

- (1) In a case where—
- (a) it would be competent but for this section, section 50(1) of the 2000 Act (disentailment on appointed day) and the repeal of the Entail Sites Act 1840 by that Act for a person to apply by petition under section 7 of that Act of 1840 (petition praying to have feu charter or other right or lease declared to be forfeited etc.); but
 - (b) the person has not, before the day on which this section comes into force, accepted an offer of compensation in respect of the right so to apply,
- subsections (2) to (6) and (8) of section 86 of this Act shall, in place of the said section 7 but with the modifications specified in subsection (2) below, apply.
- (2) The modifications are that—
- (a) for any reference to the education authority there shall be substituted a reference to the parties in whose favour the feu charter or lease was granted, or the successors other than by purchase for value of those parties;
 - (b) in each of subsections (2) and (4), for the word “revert” there shall be substituted “be forfeit” and for the word “reverted” there shall be substituted “have been forfeit”; and
 - (c) in subsection (6), for paragraph (a) of the definition of “improvement value” there shall be substituted—
 - “(a) the person who granted the feu or lease under section 1 of the [Entail Sites Act 1840 \(3 & 4 Vict. c.48\)](#) (grants for sites of churches etc.);”.
- (3) After such obligations as arise by virtue of this section are met or prescribe, the purposes for which the land in question was feued or leased under the said Act of 1840 need no longer be given effect.

Status: This is the original version (as it was originally enacted).

- (4) Subsections (1)(b) and (2) of section 67 of this Act shall apply in relation to any application already made by petition as mentioned in subsection (1)(a) above as they apply in relation to any proceedings already commenced as mentioned in the said subsection (1)(b).