



Land Registration (Scotland) Act 1979

1979 CHAPTER 33

PART III

SIMPLIFICATION AND EFFECT OF DEEDS

15 Simplification of deeds relating to registered interests

- (1) Land in respect of which an interest has been registered shall be sufficiently described in any deed relating to that interest if it is described by reference to the number of the title sheet of that interest, and accordingly, section 13 of and Schedule G to the Titles to Land Consolidation (Scotland) Act 1868, section 61 of the Conveyancing (Scotland) Act 1874, sections 8 and 24(2) of and Schedules D and J to the Conveyancing (Scotland) Act 1924 and Note 1 of Schedule 2 to the Conveyancing and Feudal Reform (Scotland) Act 1970 (sufficiency of description by reference) shall not apply to such a deed.
- (2) It shall not be necessary in any deed relating to a registered interest in land to insert or refer to any real burden, condition, provision or other matter affecting that interest if that real burden, condition, provision or other matter has been entered in the title sheet of that interest under section 6(1)(e) of this Act, and, accordingly, in such a case—
 - (a) sections 10 and 146 of and Schedule D to the Titles to Land Consolidation (Scotland) Act 1868, in section 32 of the Conveyancing (Scotland) Act 1874, the words from the beginning to "shall be sufficient" and in section 9 of the Conveyancing (Scotland) Act 1924, the proviso to subsection (1), subsections (3) and (4) and Schedule E to the said Act of 1924 (importation of burdens etc. by reference) shall not apply to such a deed; and
 - (b) such a deed shall import for all purposes a full insertion of the real burden, condition, provision or other matter.
- (3) It shall not be necessary in any deed relating to a registered interest in land, being a deed referred to in section 3 of the Conveyancing (Scotland) Act 1924 or section 12 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (dispositions etc. by persons uninfert), to deduce title, if evidence of sufficient midcouples or links between the uninfert proprietor and the person last infert are produced to the Keeper on

registration in respect of that interest in land and, accordingly, in such a case, section 5 of and Form 1 of Schedule A and Note 2 of Schedule K to the said Act of 1924 and Notes 2 and 3(b) of Schedule 2 to the Conveyancing and Feudal Reform (Scotland) Act 1970 (further provisions to deduction of title) as well as the said section 3 and the said section 12, shall not apply to such a deed, which shall be as valid as if it had contained a clause of deduction of title.

- (4) It shall not be necessary, in connection with any deed relating to a registered interest in land, to include an assignation of any obligation or right of relief or to narrate the series of writs by which the grantor of the deed became entitled to enforce that obligation or exercise that right if the obligation or right has been entered in the title sheet of that interest and, accordingly, in such a case—
- (a) section 50 of and Schedule M to the Conveyancing (Scotland) Act 1874 (form and effect of assigning right of relief or other right affecting land) shall not apply to such a deed; and
 - (b) such a deed shall for all purposes import a valid and complete assignation of that obligation or right.

16 Omission of certain clauses in deeds

- (1) It shall not be necessary to insert in any deed executed after the commencement of this Act which conveys an interest in land a clause of assignation of writs and any such deed shall, unless specially qualified, import an assignation to the grantee of the title deeds and searches and all deeds not duly recorded, and shall—
- (a) impose on the grantor or any successor an obligation—
 - (i) to deliver to the grantee all title deeds and searches relating exclusively to the interest conveyed ;
 - (ii) to make forthcoming to the grantee and his successors at his or their expense on all necessary occasions any title deeds and searches which remain in the possession of the grantor or any successor and which relate partly to the interest conveyed ; and
 - (b) import an assignation to the grantee by the grantor of his right to require any person having custody thereof to exhibit or deliver any title deeds and searches remaining undelivered; and
 - (c) impose on the grantee or any successor an obligation to make forthcoming on all necessary occasions to any party having an interest therein any deeds and searches which have been delivered to the grantee but which relate partly to interests other than the interest conveyed to the grantee.
- (2) It shall not be necessary to insert in any deed executed after the commencement of this Act which grants land in feu a clause of assignation of writs, and any such deed shall, unless specially qualified, import an assignation to the grantee of the title deeds and searches to the effect of maintaining and defending the right of the grantee in the feu ; and the superior shall be held to be obliged for that purpose to make the title deeds and searches forthcoming to the grantee on all necessary occasions at the latter's expense.
- (3) It shall not be necessary to insert in any deed conveying an interest in land executed after the commencement of this Act a clause of assignation of rents or a clause of obligation of relief, and any such deed so executed shall, unless specially qualified, import—
- (a) an assignation of the rents payable—

- (i) in the case of backhand rents, at the legal terms following the date of entry, and
- (ii) in the case of forehand rents, at the conventional terms following that date ;
- (b) an obligation on the grantor to relieve the grantee of all feuduties, ground annuals, annuities and public, parochial and local burdens exigible in respect of the interest prior to the date of entry and, in the case of a grant of land in feu, of all feuduties payable by the grantor to his superiors from and after the date of entry.

17 Deeds of declaration of conditions

- (1) A land obligation specified in a deed executed after the commencement of this Act under section 32 of the Conveyancing (Scotland) Act 1874 (deeds of conditions etc.) shall—
 - (a) on the recording of such deed in the Register of Sasines ;
 - (b) on the obligation being registered,become a real obligation affecting the land to which it relates, unless it is expressly stated in such deed that the provisions of this section are not to apply to that obligation.
- (2) In this section "land obligation" has the meaning assigned to it by section 1(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970.

18 Variations and discharges of land obligations

- (1) The terms of any—
 - (a) deed recorded in the Register of Sasines, whether before or after the commencement of this Act, whereby a land obligation is varied or discharged;
 - (b) registered variation or discharge of a land obligation,shall be binding on the singular successors of the person entitled to enforce the land obligation, and of the person on whom the land obligation was binding.
- (2) In this section " land obligation " has the meaning assigned to it by section 1(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970.

19 Agreement as to common boundary

- (1) This section shall apply where the titles to adjoining lands disclose a discrepancy as to the common boundary and the proprietors of those lands have agreed to, and have executed a plan of, that boundary.
- (2) Where one or both of the proprietors holds his interest or their interest in the land or lands by virtue of a deed or, as the case may be, deeds recorded in the Register of Sasines, the agreement and plan may be recorded in the Register of Sasines and on being so recorded shall be binding on the singular successors of that proprietor or, as the case may be, those proprietors and on all other persons having an interest in the land or, as the case may be, the lands.
- (3) Where one or both of the interests in the lands is or are registered interests, the plan with a docquet thereon executed by both proprietors referring to the agreement shall be registrable as affecting that interest or those interests, and on its being so registered its effect shall be binding on the singular successors of the proprietor of that interest

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

or, as the case may be, the proprietors of those interests and on all other persons having an interest in the land or, as the case may be, the lands.