



Enterprise and New Towns (Scotland) Act 1990

1990 CHAPTER 35

PART I

SCOTTISH ENTERPRISE AND HIGHLANDS AND ISLANDS ENTERPRISE

General

32 Registration of agreements etc.

[^{F1}(1) Scottish Enterprise or Highlands and Islands Enterprise, in exercising the powers and duties conferred on it by this Act, may as respects land which does not belong to it enter into an agreement with any person who has an interest in the land (provided that it is an interest which enables the person to bind the land) for the purpose of restricting or regulating, either permanently or during such period as may be prescribed by the agreement, the development or use of the land; and the agreement may be registered either—

- (a) in a case where the land affected by the agreement is registered in the Land Register of Scotland, in that register; or
- (b) in any other case, in the appropriate Division of the General Register of Sasines.

(1A) An agreement under subsection (1) above may contain such incidental and consequential provisions (including financial ones) as appear to the body in question to be necessary or expedient for the purposes of the agreement.]

(2) Any agreement registered in terms of subsection (1) above shall be enforceable at the instance of Scottish Enterprise or Highlands and Islands Enterprise, as the case may be, against persons deriving title to the land from the person who entered into the agreement; but no such agreement shall be enforceable against a third party who in good faith and for value has acquired right (whether [^{F2}title has been completed]

Changes to legislation: There are currently no known outstanding effects for the Enterprise and New Towns (Scotland) Act 1990, Section 32. (See end of Document for details)

or not) to the land prior to the agreement being so registered, or against any person deriving title from that third party.

- (3) Notwithstanding the terms of any such agreement ^{F3}..., it shall be open at any time to the parties to the agreement, or to persons deriving title from the parties, as the case may be, to agree to terminate it; and where an agreement has been registered in terms of subsection (1) above, any subsequent agreement to terminate it shall be registered in the like manner.
- (4) Without prejudice to section 22(1)(b) of this Act, any agreement which, but for this Act, would be enforceable at the instance of the Highlands and Islands Development Board under subsection (4) of section 5 of the ^{M1}Highlands and Islands Development (Scotland) Act 1965 (recording of agreements arranged under subsection (3) of that section) shall be enforceable under subsection (2) above at the instance of Highlands and Islands Enterprise as if it were an agreement arranged by Highlands and Islands Enterprise and registered in terms of subsection (1) above.

Textual Amendments

- F1** S. 32(1)(1A) substituted for s. 32(1) (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), **ss. 113(3), 129(3)** (with [ss. 119, 121](#))
- F2** Words in s. 32(2) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), [ss. 71, 77\(2\)](#), **Sch. 12 paras. 52** (with [ss. 58, 62, 75](#)); [S.S.I. 2003/456](#), art. 2; [S.S.I. 2003/456](#), art. 2
- F3** Words in s. 32(3) repealed (28.11.2004) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), [ss. 122\(1\), 129\(2\)](#), **Schs. 15** (with [ss. 119, 121](#)) (see [S.S.I. 2003/456](#), art. 2)

Marginal Citations

- M1** 1965 c. 46.

Changes to legislation:

There are currently no known outstanding effects for the Enterprise and New Towns (Scotland) Act 1990, Section 32.