



Conveyancing (Scotland) Act 1924

1924 CHAPTER 27

24 Registered leases. Assimilation of forms

All enabling powers and rights which, by this Act, are conferred upon or implied in favour of a person in right of land or of a security over land including power of sale and other rights under a bond and disposition in security, shall, so far as applicable, be held as conferred upon a person who has right to a lease, or to a security over a lease respectively; and the forms prescribed by this Act may be used in connection with the constitution, transmission, restriction and discharge of securities over leases, and the completion of titles to leases and to securities over the same, and to sales thereof under such securities, and such forms shall have the same force and effect as the corresponding forms prescribed by the Registration of Leases (Scotland) Act, 1857, and the clauses held as implied in any of the forms prescribed by this Act shall, so far as applicable, be held as implied when such forms are used in connection with leases and securities over the same: Provided that in applying this Act and relative schedules to leases and securities over the same the following modifications and such other verbal modifications as may be necessary shall be given effect to :—

- (1) For " lands," " lands and others " or " subjects " there shall be substituted " lease, " for "conveyance" or "disposition" there shall be substituted " assignation " (except that in Form No. 1 of Schedule C to this Act the word " lease" shall be substituted for the word " disposition " where it is an unrecorded lease that is assigned), for " bond and disposition in security " there shall be substituted " bond and assignation in security, " for " assignation of a bond and disposition in security " there shall be substituted " translation of a bond and assignation in security, " for " dispone" or " convey" there shall be substituted " assign," for " proprietor " there shall be substituted " lessee, " for " disponee " there shall be substituted " assignee, " for " infeft " there shall be substituted " having a recorded title, " for "superior" there shall be substituted " land lord, " and for " feu-duty" there shall be substituted " rent due to the landlord " :
- (2) In an assignation of a lease, or in a bond and assignation in security of a lease, or in a notice of title relating to a lease, there may be substituted for a description of the land a reference to such lease in or as nearly as may be in the terms of Schedule J to this Act:
- (3) In the event of the lease, to which a title is being completed by notice of title under this Act, not having been recorded in the appropriate Register of Sasines, it shall be

recorded, therein along with such notice of title in which the lease shall be referred to in manner prescribed in Note 5 to Schedule J to this Act, and such lease, before being so recorded, shall be docketed in manner prescribed in Note 7 to Schedule B to this Act, and, on the same being so recorded, it shall have the same force and effect as a recorded title under the Registration of Leases (Scotland) Act, 1857, and Acts amending the same:

- (4) It shall not be necessary in a writ of acknowledgment in terms of Schedule E to the Registration of Leases (Scotland) Act, 1857, to mention or describe the land, provided that the lease is therein referred to in or as nearly as may be in the terms of Schedule J to this Act, and section seven of that Act and Schedule E to that Act annexed are hereby amended accordingly:
- (5) A renunciation of a lease in terms of Schedule G to the Registration of Leases (Scotland) Act, 1857, may competently be granted by a person not holding a recorded title to such lease, provided that he shall therein deduce his title from the person holding the last recorded title in manner prescribed in Note 4 to Schedule J to this Act, and on such renunciation being recorded in the appropriate Register of Sasines such lease shall be as effectually renounced as if the title of the granter of such renunciation had been completed as at the date of such recording by notarial instrument in the appropriate form duly expedite and recorded according to the present law and practice, and section thirteen of the said Act of 1857, and Schedule G annexed to that Act, are hereby amended accordingly :
- (6) Section twenty-four of the Titles to Land Consolidation (Scotland) Act, 1868, and section forty-four of the Conveyancing (Scotland) Act, 1874, as amended by section five of this Act, shall apply to a lease and to a security over a lease, and in the warrant, interlocutor or decree of Court conferring a right to such lease or security over the same or granting authority to complete title thereto, and also in the application upon which such warrant, interlocutor or decree proceeds, such lease may be referred to in or as nearly as may be in the terms of Schedule J hereto :
- (7) An adjudger or purchaser of a lease, or an adjudger or assignee of a security over a lease, may complete his title thereto by recording in the appropriate Register of Sasines an extract of the decree of adjudication or of sale (as the case may be) or may use such extract decree as an assignation or one of a series of assignations of an unrecorded lease or of an unrecorded security over a lease, and section ten of the Registration of Leases (Scotland) Act, 1857, is hereby amended accordingly.