



Conveyancing (Scotland) Act 1874

1874 CHAPTER 94

30 Conveyances and discharges of real burdens. Real burdens effectual in competition from date of recording; mode of completing title to real burdens

It shall be lawful to record in the appropriate register of sasines any deed, instrument, or writing whereby any real burden upon land is assigned, conveyed, or transferred, or is extinguished or

No deed, instrument, or writing, executed or dated after the commencement of this Act, whereby any real burden upon land shall be hereafter assigned, conveyed, or transferred, shall "be effectual in competition with third parties, unless the same is recorded in the appropriate register of sasines; and such deed, instrument, or writing shall take effect in competition with third parties only from the date of such registration, and intimation according to the existing law and practice shall be unnecessary when such deed, instrument, or writing is recorded; and real burdens upon land may be assigned, conveyed, or transferred, and extinguished or restricted, and titles thereto may be completed as nearly as may be in the same manner as in the case of heritable securities constituted or requiring to be constituted by infestment in favour of the creditor as defined by " The Titles to Land Consolidation (Scotland) Act, 1868," and the whole provisions, enactments, and forms of that Act and of this Act relative to the assignation, conveyance, or transference and extinction or restriction of bonds and dispositions in security, and other heritable securities constituted or requiring to be constituted by infestment as aforesaid, and to the completing of titles thereto, and also the forms referred to, as well as the provisions and enactments contained in section one hundred and seventeen of the said Act shall be taken to apply and shall apply as nearly as may be to real burdens upon land ; provided always, that securities by way of ground annual, whether redeemable or irredeemable, shall continue to be heritable as regards the succession of the persons in right thereof; and provided also, that where a real burden upon land shall have been assigned, conveyed, or transferred by any deed, instrument, or writing which has entered the appropriate register of sasines, it shall not be necessary to produce to the notary public expeding any notarial instrument applicable to such real burden, or to set forth in such notarial instrument, as a warrant thereof, the deed, instrument, or writing constituting the said real burden; but it shall be sufficient to produce to him, and to specify shortly in such notarial instrument, the deed, instrument, or writing, or the deeds, instruments, or writings whereby the said

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

real burden shall have been assigned, conveyed, or transferred, and which, or one or more of which, if there are more than one, shall have entered the appropriate register of sasines.