Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 4 S

REAL BURDENS

Reallotment etc.

18 Reallotment of real burden by nomination of new dominant tenement S

(1) **[**[F1]Without prejudice to sections 18A to 18C of this Act,**]** where—

(a) a feudal estate of *dominium utile* of land is subject to a real burden enforceable by a superior of the feu or which would be so enforceable were the person in question to complete title to the *dominium directum*; and

(b) at least one of the conditions set out in subsection (7) below is met, the superior may, before the appointed day, prospectively nominate other land (being land of which he has right to the sole *dominium utile* or sole allodial ownership), or any part of that other land, as a dominant tenement by duly executing and registering a notice in, or as nearly as may be in, the form contained in schedule 5 to this Act.

(2) The notice shall—

(a) set out the title of the superior;

(b) describe, sufficiently to enable identification by reference to the Ordnance Map, both the land the *dominium utile* of which is subject to the real burden (or any part of that land) and the land (or part) nominated;

(c) specify which of the conditions set out in subsection (7) below is (or are) met;

(d) set out the terms of the real burden; and

(e) set out the terms of any counter-obligation to the real burden if it is a counter — obligation enforceable against the superior.

(3) For the purposes of subsection (1) above a notice is duly registered only when registered against both tenements described in pursuance of subsection (2)(b) above.

Changes to legislation: *Abolition of Feudal Tenure etc. (Scotland) Act 2000, Cross Heading: Reallotment etc. is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Before submitting any notice for registration under this section, the superior shall swear or affirm before a notary public that to the best of the knowledge and belief of the superior all the information contained in the notice is true.

(5) For the purposes of subsection (4) above, if the superior is—

(a) an individual unable by reason of legal disability, or incapacity, to swear or affirm as mentioned in that subsection, then a legal representative of the superior may swear or affirm;

(b) not an individual, then any person authorised to sign documents on its behalf may swear or affirm;

and any reference in that subsection to a superior shall be construed accordingly.

(6) **[**[F2]Subject to subsection (6A) below,**]** if subsections (1) to (5) above are complied with and immediately before the appointed day the real burden is still enforceable by the superior (or by his successor) or would be so enforceable, or still so enforceable, were the person in question to complete title to the *dominium directum* then, on that day—

(a) the land (or part) nominated shall become a dominant tenement; and

(b) the land the *dominium utile* of which was subject to the real burden (or if part only of that land is described in pursuance of subsection (2)(b) above, that part) shall be the servient tenement.

[[F3](6A) Such compliance as is mentioned in subsection (6) above shall not be effective to preserve any right to enforce a manager burden ("manager burden" being construed in accordance with section 63(1) of the Title Conditions (Scotland) Act 2003 (asp 9)).**]**

(7) The conditions are—

(a) that the land which by virtue of this section would become the dominant tenement has on it a permanent building which is in use wholly or mainly as a place of human—

(i) habitation; or

(ii) resort,

and that building is, at some point, within one hundred metres (measuring along a horizontal plane) of the land which would be the servient tenement;

(b) that the real burden comprises—

(i) a right **[**[F4](other than any sporting rights, as defined by section 65A(9) of this Act)**]** to enter, or otherwise make use of, the servient tenement; or

(ii) a right of pre-emption or of redemption; or

(c) that the land which by virtue of this section would become the dominant tenement comprises—

(i) minerals; or

(ii) salmon fishings or some other incorporeal property,

and it is apparent from the terms of the real burden that it was created for the benefit of such land.

(8) This section is subject to sections 41 and 42 of this Act.

Textual Amendments

F1 Words in s. 18(1) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 3(a)** (with ss. 119, 121)

Changes to legislation: *Abolition of Feudal Tenure etc. (Scotland) Act 2000, Cross Heading: Reallotment etc. is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F2 Words in s. 18(6) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 3(b)** (with ss. 119, 121)

F3 S. 18(6A) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 128(3), **sch. 13 para. 3(c)**) (with ss. 119, 121)

F4 Words in s. 18(7)(b)(i) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 3(d)** (with ss. 119, 121)

Modifications etc. (not altering text)

C1 S. 18(4) modified (15.8.2003) by The Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), **ss. 14(1)(2)(b)**, 21(2); S.S.I. 2003/384, **art. 2(a)**

[F5 18A Personal pre-emption burdens and personal redemption burdens S

(1) Without prejudice to section 18 of this Act, where a feudal estate of *dominium utile* of land is subject to a real burden which comprises a right of pre-emption or redemption and is enforceable by a superior of the feu or would be so enforceable were the person in question to complete title to the *dominium directum* the superior may, before the appointed day, by duly executing and registering against the *dominium utile* a notice in, or as nearly as may be in, the form contained in schedule 5A to this Act, prospectively convert that burden into a personal pre-emption burden or as the case may be into a personal redemption burden.

(2) The notice shall—

(a) set out the title of the superior;

(b) describe, sufficiently to enable identification by reference to the Ordnance Map, the land the *dominium utile* of which is subject to the real burden (or any part of that land);

(c) set out the terms of the real burden; and

(d) set out the terms of any counter-obligation to the real burden if it is a counter-obligation enforceable against the superior.

(3) Before submitting any notice for registration under this section, the superior shall swear or affirm as is mentioned in subsection (4) of section 18 of this Act.

(4) Subsection (5) of that section applies for the purposes of subsection (3) above as it applies for the purposes of subsection (4) of that section.

(5) If subsections (1) to (3) above are, with subsection (4) of that section, complied with and immediately before the appointed day the real burden is still enforceable by the superior (or his successor) or would be so enforceable, or still so enforceable, were the person in question to complete title to the *dominium directum* then, on that day—

(a) the real burden shall be converted into a real burden in favour of that person, to be known as a "personal pre-emption burden" or as the case may be as a "personal redemption burden"; and

(b) the land the *dominium utile* of which was subject to the real burden (or if part only of that land is described in pursuance of subsection (2)(b) above, that part) shall become the servient tenement.

(6) Title to enforce the burden against the land to which the notice relates shall be subject to any such counter-obligation as was set out by virtue of subsection (2)(d) above.

Changes to legislation: *Abolition of Feudal Tenure etc. (Scotland) Act 2000, Cross Heading: Reallotment etc. is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) The right to a personal pre-emption burden or personal redemption burden may be assigned or otherwise transferred to any person; and any such assignation or transfer shall take effect on registration.

(8) Where the holder of a personal pre-emption burden or personal redemption burden does not have a completed title—

(a) title may be completed by the holder registering a notice of title; or

(b) without completing title, the holder may grant a deed—

(i) assigning the right to; or

(ii) discharging, in whole or in part,

the burden; but unless the deed is one to which section **[**[F6]101 of the Land Registration etc. (Scotland) Act 2012 (asp 5)**]** (circumstances where unnecessary to deduce title) applies, it shall be necessary, in the deed, to deduce title to the burden through the midcouples linking the holder to the person who had the last completed title.

(9) This section is subject to sections 41 and 42 of this Act.

Textual Amendments

F5 Ss. 18A-18C inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), **ss. 114(2)**, 129(3) (with ss. 119, 121)

F6 Words in s. 18A(8)(b) substituted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 5 para. 39(3)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

18B Conversion into economic development burden S

(1) Without prejudice to section 18 of this Act, where a feudal estate of *dominium utile* of land is subject to a real burden which is imposed for the purpose of promoting economic development and is enforceable by the Scottish Ministers or a local authority, being in either case the superior of the feu, or would be so enforceable were the Scottish Ministers or as the case may be the local authority to complete title to the *dominium directum*, the superior may, before the appointed day, by duly executing and registering against the *dominium utile* a notice in, or as nearly as may be in, the form contained in schedule 5B to this Act, prospectively convert that burden into an economic development burden.

(2) The notice shall—

(a) set out the title of the superior;

(b) describe, sufficiently to enable identification by reference to the Ordnance Map, the land the *dominium utile* of which is subject to the real burden (or any part of that land);

(c) set out the terms of the real burden;

(d) set out the terms of any counter-obligation to the real burden if it is a counter-obligation enforceable against the superior; and

(e) state that the burden was imposed for the purpose of promoting economic development and provide information in support of that statement.

(3) If subsections (1) and (2) above are complied with and immediately before the appointed day the real burden is still enforceable by the superior or would be so enforceable were the Scottish Ministers or as the case may be the local authority to

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complete title to the *dominium directum* then on that day the real burden shall be converted into an economic development burden and on and after that day the Scottish Ministers or, as the case may be, the authority, shall—

(a) have title to enforce the burden against the land to which the notice relates; and

(b) be presumed to have an interest to enforce it.

(4) Title to enforce the burden against the land to which the notice relates shall be subject to any such counter-obligation as was set out by virtue of subsection (2)(d) above.

(5) This section is subject to sections 41 and 42 of this Act.

Textual Amendments

F5 Ss. 18A-18C inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), **ss. 114(2)**, 129(3) (with ss. 119, 121)

18C Conversion into health care burden S

(1) Without prejudice to section 18 of this Act, where a feudal estate of *dominium utile* of land is subject to a real burden which is imposed for the purpose of promoting the provision of facilities for health care and is enforceable by a National Health Service trust or the Scottish Ministers, being in either case the superior of the feu, or would be so enforceable were the trust or as the case may be the Scottish Ministers to complete title to the *dominium directum*, the superior may, before the appointed day, by duly executing and registering against the *dominium utile* a notice in, or as nearly as may be in, the form contained in schedule 5C to this Act, prospectively convert that burden into a health care burden.

(2) The notice shall—

(a) set out the title of the superior;

(b) describe, sufficiently to enable identification by reference to the Ordnance Map, the land the *dominium utile* of which is subject to the real burden (or any part of that land);

(c) set out the terms of the real burden;

(d) set out the terms of any counter-obligation to the real burden if it is a counter-obligation enforceable against the superior; and

(e) state that the burden was imposed for the purpose of promoting the provision of facilities for health care and provide information in support of that statement.

(3) If subsections (1) and (2) are complied with and immediately before the appointed day the real burden is still enforceable by the superior or would be so enforceable were the trust or as the case may be the Scottish Ministers to complete title to the *dominium directum* then on that day the real burden shall be converted into a health care burden and on and after that day the trust or, as the case may be, the Scottish Ministers, shall—

(a) have title to enforce the burden against the land to which the notice in question relates; and

(b) be presumed to have an interest to enforce it.

(4) Title to enforce the burden against the land to which the notice relates shall be subject to any such counter-obligation as was set out by virtue of subsection (2)(d) above.

Changes to legislation: *Abolition of Feudal Tenure etc. (Scotland) Act 2000, Cross Heading: Reallotment etc. is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) In subsections (1) and (2) above, "facilities for health care" includes facilities ancillary to health care; as for example (but without prejudice to that generality) accommodation for staff employed to provide health care.

(6) This section is subject to sections 41 and 42 of this Act.**]**

Textual Amendments

F5 Ss. 18A-18C inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), **ss. 114(2)**, 129(3) (with ss. 119, 121)

19 Reallotment of real burden by agreement S

(1) Where a feudal estate of *dominium utile* of land is subject to a real burden enforceable by a superior of the feu or which would be so enforceable were the person in question to complete title to the *dominium directum* the superior may, before the appointed day—

(a) serve notice in, or as nearly as may be in, the form contained in schedule 6 to this Act, on the person who has right to the feu that he seeks to enter into an agreement with that person under this section prospectively nominating other land (being land of which the superior has right to the sole *dominium utile* or sole allodial ownership), or any part of that other land, as a dominant tenement;

(b) enter into such an agreement with that person; and

(c) duly register that agreement;

but if they think fit they may, by the agreement, modify the real burden or any counter — obligation to the real burden if it is a counter-obligation enforceable against the superior (or both the real burden and any such counter-obligation).

(2) The notice shall—

(a) set out the title of the superior;

(b) describe both the land the *dominium utile* of which is subject to the real burden (or any part of that land) and the land (or part) nominated;

(c) set out the terms of the real burden; and

(d) set out the terms of any such counter-obligation as is mentioned in subsection (1) above.

(3) An agreement such as is mentioned in paragraph (b) of subsection (1) above shall be a written agreement—

(a) which expressly states that it is made under this section; and

(b) which includes all the information, other than that relating to service, required to be set out in completing the notice the form of which is contained in schedule 6 to this Act.

(4) For the purposes of subsection (1)(c) above an agreement is duly registered only when registered against both tenements described in pursuance of subsection (2)(b) above.

(5) If subsections (1)(b) and (c), (3) and (4) above are complied with and immediately before the appointed day the real burden is still enforceable by the superior (or by his successor) or would be so enforceable, or still so enforceable, were the person in question to complete title to the *dominium directum* then on that day—

(a) the land (or part) nominated shall become a dominant tenement; and

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(b) the land the *dominium utile* of which was subject to the real burden (or if part only of that land is described in pursuance of subsection (2)(b) above, that part) shall be the servient tenement.

(6) A person may enter into an agreement under this section even if he has not completed title to the *dominium utile* of the land subject to the real burden, or as the case may be title to the *dominium directum* of that land or to the *dominium utile* of the land nominated (or, if the land nominated is allodial land, to the land nominated), provided that, in any case to which section 15(3) of the Land Registration (Scotland) Act 1979 (c.33) (simplification of deeds relating to registered interests) does not apply, he deduces title, in the agreement, from the person who appears in the Register of Sasines as having the last recorded title to the interest in question.

(7) This section is subject to section 42 of this Act.

20 Reallotment of real burden by order of Lands Tribunal S

(1) Where but for paragraph (b) of subsection (1) of section 18 of this Act a superior could proceed under that subsection prospectively to nominate land (in this section referred to as the "prospective dominant tenement") he may, provided that he has first, in pursuance of section 19 of this Act, attempted to reach agreement as respects the real burden in question with the person who has right to the feu, apply to the Lands Tribunal for an order under subsection (7) of this section; but such an application is competent only if made [F7]. . . before the appointed day.

(2) An applicant under subsection (1) above shall include in his application a description of the requisite attempt to reach agreement.

(3) After sending or delivering to the Lands Tribunal an application under subsection (1) above, the superior may, within—

(a) 42 days; or

(b) such longer period of days (being a period which ends before the appointed day) as the Lands Tribunal may allow if it is satisfied that there is good cause for so allowing,

duly execute and register a notice in, or as nearly as may be in, the form contained in schedule 7 to this Act; [F8]. . . .

(4) The notice shall—

(a) set out the title of the superior;

(b) describe, sufficiently to enable identification by reference to the Ordnance Map, both the land the *dominium utile* of which is subject to the real burden (or any part of that land) and the prospective dominant tenement;

(c) set out the terms of the real burden; and

(d) set out the terms of any counter-obligation to the real burden if it is a counter — obligation enforceable against the superior.

(5) For the purposes of this section, a notice is duly registered only when registered against both tenements described in pursuance of subsection (4)(b) above; and if it is so registered and immediately before the appointed day—

(a) the real burden is still enforceable by the superior (or by his successor) or would be so enforceable, or still so enforceable, were the person in question to complete title to the *dominium directum*; and

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(b) no order under subsection (7) below has been registered under subsection (11) below in respect of the application,

then on that day the prospective dominant tenement shall, for the transitional period, become the dominant tenement and the land the *dominium utile* of which is subject to the real burden (or, if part only of that land is described under paragraph (b) of subsection (4) above, that part) shall, for the transitional period, be the servient tenement.

(6) The reference in subsection (5) above to the transitional period is to the period beginning on the appointed day and ending on—

(a) the day on which an order under subsection (7) below is registered under subsection (11) below in respect of the application; or

(b) if no such order is so registered, such day later than the appointed day as the Scottish Ministers may by order specify (that later day being in this Act referred to as the ("specified day".

(7) If, on an application under subsection (1) above as respects which a notice has been duly registered—

(a) the Lands Tribunal is satisfied that, were the real burden to be extinguished, there would be **[**[F9]material detriment to the value or enjoyment of the applicant's ownership (taking him to have ownership)**]** of the dominant tenement, the Tribunal may order that, subject to subsection (9) of this section—

(i) if the order can be and is registered before the appointed day, then on that day the prospective dominant tenement shall become the dominant tenement and the land the *dominium utile* of which is subject to the real burden (or, if part only of that land is described under paragraph (b) of subsection (4) above, that part) shall be the servient tenement; or

(ii) the dominant tenement for the transitional period shall, after that period, continue to be the dominant tenement and the servient tenement for the transitional period shall, after that period, continue to be the servient tenement;**[**[F10] or

(b) the Lands Tribunal is not so satisfied, it may make an order refusing the application.**]**

[F11] . . .

(b) [F11] . . . . . .

(8) Where in respect of the application—

(a) an order under paragraph (a) of subsection (7) above is registered—

(i) before the appointed day and immediately before that day the real burden is still enforceable by the superior (or by his successor) or would be so enforceable, or still so enforceable, were the person in question to complete title to the *dominium directum*, then on that day; or

(ii) on or after the appointed day and immediately before the day of registration the real burden is still enforceable by the former superior (or by his successor) or would be so enforceable, or still so enforceable, as mentioned in sub-paragraph (i) above, then on the day of registration,

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the prospective dominant tenement shall become the dominant tenement and the land the *dominium utile* of which was subject to the real burden (or, if part only of that land is described under paragraph (b) of subsection (4) above, that part) shall be the servient tenement;

(b) F12 . . . . . .

(c) F12 . . . . . .

(9) An order under subsection (7)(a) above may modify the real burden or any counter — obligation to the real burden if it is a counter-obligation enforceable against the applicant (or both the real burden and any such counter-obligation).

(10) The decision of the Lands Tribunal on an application under subsection (1) above shall be final.

(11) An order under subsection (7) above shall forthwith be extracted and registered by the Lands Tribunal against both tenements described in pursuance of subsection (4)(b) above; and the expenses of registration shall be borne by the applicant.

(12) Subsections (2) and (3) of section 17 of this Act shall apply in relation to real burdens extinguished or rendered unenforceable by virtue of this section as they apply in relation to real burdens extinguished or so rendered by subsection (1) of that section with the substitution, if the extinction or rendering is after the appointed day, for each reference in them to that day, of a reference to the day which ends the transitional period.

(13) A person opposing an application made under subsection (1) above incurs no liability, unless in the opinion of the Lands Tribunal his actings are vexatious or frivolous, in respect of expenses incurred by the applicant.

(14) This section is subject to sections 41 and 42 of this Act.

(15) Before submitting any notice for registration under this section, the superior shall swear or affirm before a notary public that to the best of the knowledge and belief of the superior all the information contained in the notice is true.

(16) For the purposes of subsection (15) above, if the superior is—

(a) an individual unable by reason of legal disability, or incapacity, to swear or affirm as mentioned in that subsection, then a legal representative of the superior may swear or affirm;

(b) not an individual, then any person authorised to sign documents on its behalf may swear or affirm;

and the references in that subsection to the superior shall be construed accordingly.

Textual Amendments

F7 Words in s. 20(1) repealed (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 4(a)** (with ss. 119, 121)

F8 Words in s. 20(3) omitted (22.10.2003) by The Title Conditions (Scotland) Act 2003 (Consequential Provisions) Order 2003 (S.S.I. 2003/503), art. 2, **sch. 1 para. 4(a)**

F9 Words in s. 20(7)(a) substituted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 4(b)(i)** (with ss. 119, 121)

F10 S. 20(7)(b) and preceding word inserted (22.10.2003) by The Title Conditions (Scotland) Act 2003 (Consequential Provisions) Order 2003 (S.S.I. 2003/503), art. 2, **sch. 1 para. 4(b)**

Changes to legislation: *Abolition of Feudal Tenure etc. (Scotland) Act 2000, Cross Heading: Reallotment etc. is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F11 S. 20(7)(b) and preceding word repealed (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 4(b)(ii)**, (with ss. 119, 121)

F12 s. 20(8)(b)(c) repealed (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 128(2), 129(5)(b)(c), **sch. 15**, (with ss. 119, 121)

21 Manner of dealing with application under section 20 S

(1) On receiving an application under section 20 of this Act the Lands Tribunal shall give such notice of that application, whether by way of advertisement or otherwise, as may be prescribed for the purposes of that section by the Scottish Ministers by rules under section 3 of the Lands Tribunal Act 1949 (c.42) to any person who has right to the feu which is subject to the real burden in question and, if the Lands Tribunal thinks fit, to any other person.

(2) Any person who, whether or not he has received notice under subsection (1) above, has right to the feu which is subject to the real burden in question (or as the case may be has right to the servient tenement) or is affected by that real burden or by its proposed reallotment shall be entitled, within such time as may be so prescribed, to oppose or make representations in relation to the application; and the Lands Tribunal shall allow any such person, and may allow any other person who appears to it to be affected by that real burden or by its proposed reallotment, to be heard in relation to the application.

(3) Without prejudice to subsections (1) and (2) above, the Scottish Ministers may, in rules under the said section 3, make special provision in relation to any matter pertaining to proceedings in applications under section 20 of this Act (or in any class of such applications).

22 Amendment of Tribunals and Inquiries Act 1992 S

In section 11 (proceedings in relation to which there is no appeal from the decision of the Lands Tribunal) of the Tribunals and Inquiries Act 1992 (c.53), in subsection (2)—

(a) the words after "in relation to" shall be paragraph (a); and

(b) after that paragraph there shall be inserted "; or

(b) proceedings under section 20 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5) (reallotment of real burden)".

23 Reallotment of real burden affecting facility of benefit to other land etc. S

F13 . . . . . .

Textual Amendments

F13 S. 23 repealed (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 128(2), 129(5)(b)(c), **sch. 15** (with ss. 119, 121)

24 Interest to enforce real burden S

Sections 18 to 20 F14. . . of this Act are without prejudice to any requirement that a dominant proprietor have an interest to enforce a real burden (and such interest shall not be presumed).

Changes to legislation: *Abolition of Feudal Tenure etc. (Scotland) Act 2000, Cross Heading: Reallotment etc. is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F14 Words in s. 24 repealed (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 128(2), 129(5)(b)(c), **sch. 15** (with ss. 119, 121)

25 Counter-obligations on reallotment S

Where a real burden is reallotted under section 18, 19 **[**[F15]or 20**]** of this Act **[**[F16]or under section 56 or 63 of the Title Conditions (Scotland) Act 2003 (asp 9) (which make provision, respectively, as to facility burdens and service burdens and as to manager burdens)**]**, the right to enforce the burden shall be subject to any counter-obligation (modified as the case may be by the agreement or by the order of the Lands Tribunal) enforceable against the superior immediately before **[**[F17]reallotment is effected**]**.

Textual Amendments

F15 Words in s. 25 substituted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 5(a)** (with ss. 119, 121)

F16 Words in s. 25 inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 5(b)** (with ss. 119, 121)

F17 Words in s. 25 substituted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 5(c)** (with ss. 119, 121)

Changes to legislation:
Abolition of Feudal Tenure etc. (Scotland) Act 2000, Cross Heading: Reallotment etc. is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18C(1) words repealed by 2004 asp 7 sch. 2
- s. 18C(3) words repealed by 2004 asp 7 sch. 2