



Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 1

ABOLITION OF FEUDAL TENURE

3 Amendment of Land Registration (Scotland) Act 1979

The Land Registration (Scotland) Act 1979 (c. 33) shall be amended as follows—

- (a) in section 4(2) (applications for registration which are not to be accepted by the Keeper of the Registers of Scotland), after paragraph (a) there shall be inserted—

“(aa) it relates in whole or in part to an interest in land which by, under or by virtue of any provision of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5) is an interest which has ceased to exist;”;

- (b) in section 9 (rectification of Land Register of Scotland)—

(i) in subsection (3), at the beginning insert “Subject to subsection (3B) below;” and

(ii) after subsection (3A) insert—

“(3B) Subject to subsection (3C) below, rectification (whether requisite or in exercise of the Keeper’s discretion) to take account of, or of anything done (or purportedly done) under or by virtue of, any provision of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), other than section 4 or 65, shall, for the purposes of subsection (3) above (and of section 12(3)(cc) of this Act), be deemed not to prejudice a proprietor in possession.

(3C) For the purposes of subsection (3B) above, rectification does not include entering or reinstating in a title sheet a real burden or a condition affecting an interest in land.”; and

- (c) in section 12(3) (circumstances in which there is no entitlement to be indemnified by the Keeper), after paragraph (c) insert—

Status: This is the original version (as it was originally enacted).

“(cc) the loss arises in consequence of—

(i) a rectification which; or

(ii) there being, in the register, an inaccuracy the rectification of which,

were there a proprietor in possession, would be deemed, by subsection

(3B) of section 9 of this Act, not to prejudice that proprietor;”.