



# Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

## PART 4

### REAL BURDENS

#### *Miscellaneous*

#### **43 Notices and agreements under certain sections: extent of Keeper's duty**

- (1) In relation to any notice submitted for registration under section 18, 20, 27 or 33 of this Act, the Keeper of the Registers of Scotland shall not be required to determine whether the superior has complied with the terms of section 41(3) of this Act.
- (2) In relation to any notice, or as the case may be any agreement, submitted for registration under—
  - (a) section 18, 19, 20, 27 or 33 of this Act, the Keeper shall not be required to determine whether, for the purposes of subsection (1) of the section in question, a real burden is enforceable by a superior;
  - (b) section 18 of this Act, the Keeper shall not be required to determine, where, in pursuance of subsection (2)(c) of that section, the condition specified is that mentioned in subsection (7)(a) of that section, whether the terms of that condition are satisfied;
  - (c) paragraph (c) of subsection (1) of section 19 of this Act, the Keeper shall not be required to determine whether the requirements of paragraph (a) of that subsection are satisfied;
  - (d) section 20 of this Act, the Keeper shall not be required to determine—
    - (i) whether the description provided in pursuance of subsection (2) of that section is correct;
    - (ii) whether the notice has been executed, and is being registered, timeously; or
    - (iii) any matter as to which the Lands Tribunal must be satisfied before making an order under that section;
  - (e) section 33 of this Act, the Keeper shall not be required to determine whether—

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*Status: This is the original version (as it was originally enacted).*

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- (i) the requirements of subsection (1)(a) and (b) of that section are satisfied; or
  - (ii) the statements made or information provided, in pursuance of subsection (2)(d) or (e) of that section, are correct.
- (3) The Keeper shall not be required to determine—
  - (a) for the purposes of section 18(6), 19(5), 20(5) or (8)(a)(i), 28 or 60(1) of this Act, whether immediately before the appointed day a real burden is, or is still, enforceable, or by whom; or
  - (b) for the purposes of subsection (8)(a)(ii) of section 20 of this Act, whether immediately before the day of registration of an order of the Lands Tribunal under subsection (7) of that section a real burden is, or is still, enforceable, or by whom.