



Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 4

REAL BURDENS

Miscellaneous

VALID FROM 28/11/2004

46 Duties of Keeper: amendments relating to the extinction of certain real burdens

- (1) The Keeper of the Registers of Scotland shall not be required to remove from the Land Register of Scotland a real burden extinguished by section 17(1)(a) ^{F1} . . . of this Act unless—
- (a) subject to subsection (3) below, he is requested to do so in an application for registration or rectification; or
 - (b) he is, under section 9(1) of the Land Registration (Scotland) Act 1979 (c.33) (rectification of the register), ordered, subject to subsection (3) below, to do so by the court or the Lands Tribunal;
- and no such request or order shall be competent during a period which commences with the appointed day and is of such number of years as the Scottish Ministers may by order prescribe.
- (2) During the period mentioned in subsection (1) above a real burden, notwithstanding that it has been so extinguished, may at the discretion of the Keeper, for the purposes of section 6(1)(e) of that Act of 1979 (entering [^{F2}subsisting] real right in title sheet), be taken to subsist; but this subsection is without prejudice to subsection (3) below.
- (3) The Keeper shall not, before the date mentioned in subsection (4) below, remove from the Land Register of Scotland a real burden which is the subject of a notice or agreement in respect of which application had been made for a determination by—
- (a) a court; or

Status: Point in time view as at 01/11/2003. This version of this provision is not valid for this point in time.

Changes to legislation: Abolition of Feudal Tenure etc. (Scotland) Act 2000, Section 46 is up to date with all changes known to be in force on or before 22 May 2023. 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)

(b) the Lands Tribunal,
under section 45(1)(b) of this Act.

(4) The date is whichever is the earlier of—

- (a) that two months after the final decision on the application; and
- (b) that prescribed under section 45(1)(ii) of this Act.

Textual Amendments

- F1** Words in s. 46(1) repealed (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 128(2), 129(5)(b)(c), [sch. 15](#) (with ss. 119, 121)
- F2** Words in s. 46(2) substituted (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 114(6), 129(3), [sch. 13 para. 9](#) (with ss. 119, 121)

Status:

Point in time view as at 01/11/2003. This version of this provision is not valid for this point in time.

Changes to legislation:

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