
Status: Point in time view as at 28/11/2004.

Changes to legislation: There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Paragraph 7. (See end of Document for details)

SCHEDULE 14

MINOR AND CONSEQUENTIAL AMENDMENTS

- 7 (1) The 1979 Act shall be amended in accordance with this paragraph.
- (2) In each of sections 2(6) (interpretation) and 3(1) (effect of registration), for the words “sections 17, 18 and” there shall be substituted. “ section”
- (3) In section 3(6) (special provision as respects completion of title)—
- (a) for the words “an uninfert proprietor” there shall be substituted “an unregistered holder”;
 - (b) for the words “the uninfert proprietor” there shall be substituted “him”;
 - (c) for the word “infert” there shall be substituted “registered as entitled to the interest”; and
 - (d) for the words from “section 4” to “land”, where it secondly occurs, there shall be substituted “—
 - (a) section 4 of the Conveyancing (Scotland) Act 1924 (c. 27);
 - (b) section 18A(8)(a) of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5); and
 - (c) section 41(a) of the Title Conditions (Scotland) Act 2003 (asp 9),(each of which relate to completion of title) shall be of no effect in relation to such an interest in land.”.
- (4) In section 6 (the title sheet), at the end there is added—
- “(6) In subsections (1)(e) and (2) above, “condition” includes a servitude created by a deed registered in accordance with section 75(1) of the Title Conditions (Scotland) Act 2003 (asp 9) and a rule of a development management scheme (“development management scheme” being construed in accordance with section 71 of that Act).”.
- (5) In section 12 (indemnity in respect of loss)—
- (a) in subsection (3), after paragraph (g) there shall be inserted—

“(gg) the loss arises from inability to enforce sporting rights converted into a tenement in land by virtue of section 65A of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), unless the Keeper expressly assumes responsibility for the enforceability of those rights;”;
 - (b) at the end there is added—

“(5) In subsection (3)(g) above, “condition” includes a rule of a development management scheme (“development management scheme” being construed in accordance with section 71 of the Title Conditions (Scotland) Act 2003 (asp 9)).”.
- (6) In section 15 (simplification of deeds relating to registered interests), for subsection (3) there shall be substituted—
- “(3) It shall not be necessary, in any deed relating to a registered interest in land, to deduce title if evidence of sufficient midcouples or links between the unregistered holder and the person last registered as entitled to the interest are produced to the Keeper on registration in respect of that interest in land.”.

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- (7) In section 28(1) (interpretation)—
- (a) in the definition of “incorporeal heritable right”—
 - (i) the existing words “a right to salmon fishings” shall become paragraph (a);
 - (ii) after that paragraph there shall be inserted the word “; or” and the following paragraph—
 - “(b) sporting rights (as defined by section 65A(9) of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5));”;
 - and
 - (b) in paragraph (d) of the definition of “overriding interest”, for the words “a servitude” there shall be substituted “any servitude which was not created by registration in accordance with section 75(1) of the Title Conditions (Scotland) Act 2003 (asp 9)”.

Modifications etc. (not altering text)

C1 Sch. 14 para. 7 wholly in force; Sch. 14 para. 7(1)(3)(6) in force at 4.4.2003 see s. 129(2)(5); Sch. 14 para. 7 otherwise in force at 28.11.2004 by S.S.I. 2003/456, **art. 2**

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