



# Title Conditions (Scotland) Act 2003

## 2003 asp 9

### PART 1

#### REAL BURDENS: GENERAL

##### *Termination*

#### **20 Notice of termination**

- (1) Subject to section 23 of this Act, if at least one hundred years have elapsed since the date of registration of the constitutive deed (whether or not the real burden has been varied or renewed since that date), an owner of the burdened property, or any other person against whom the burden is enforceable, may, after intimation under section 21(1) of this Act, execute and register, in (or as nearly as may be in) the form contained in schedule 2 to this Act, a notice of termination as respects the real burden.
- (2) It shall be no objection to the validity of a notice of termination that it is executed or registered by a successor in title of the person who has given such intimation; and any reference in this Act to the “terminator” shall be construed as a reference to—
  - (a) except where paragraph (b) below applies, the person who has given such intimation; or
  - (b) where that person no longer has the right or obligation by virtue of which intimation was given, the person who has most recently acquired that right or obligation.
- (3) Subsections (1) and (2) above do not apply in relation to—
  - (a) a conservation burden;
  - (b) a maritime burden;
  - (c) a facility burden;
  - (d) a service burden; or
  - (e) a real burden which is a title condition of a kind specified in schedule 11 to this Act.
- (4) The notice of termination shall—
  - (a) identify the land which is the burdened property;

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*Status: This is the original version (as it was originally enacted).*

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- (b) describe the terminator’s connection with the property (as for example by identifying the terminator as an owner or as a tenant);
  - (c) set out the terms of the real burden and (if it is not wholly to be terminated) specify the extent of the termination;
  - (d) specify a date on or before which any application under paragraph (b) of section 90(1) of this Act will require to be made if the real burden is to be renewed or varied under that paragraph (that date being referred to in this Act as the “renewal date”);
  - (e) specify the date on which, and the means by which, intimation was given under subsection (1) of section 21 of this Act; and
  - (f) set out the name (in so far as known) and the address of each person to whom intimation is sent under subsection (2)(a) of that section.
- (5) Any date may be specified under paragraph (d) of subsection (4) above provided that it is a date not less than eight weeks after intimation is last given under subsection (1) of the said section 21 (intimation by affixing being taken, for the purposes of this subsection, to be given when first the notice is affixed).
- (6) Where a property is subject to two or more real burdens, it shall be competent to execute and register a single notice of termination in respect of both (or all) the real burdens.