



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 1

REAL BURDENS: GENERAL

Termination

21 Intimation

- (1) A proposal to execute and register a notice of termination shall be intimated—
- (a) to the owner of each benefited property;
 - (b) in the case of a personal real burden, to the holder; and
 - (c) to the owner (or, if the terminator is an owner, to any other owner) of the burdened property.
- (2) Subject to subsection (3) below, such intimation may be given—
- (a) by sending a copy of the proposed notice of termination, completed as respects all the matters which must, in pursuance of paragraphs (a) to (d) and (f) of section 20(4) of this Act, be identified, described, set out or specified in the notice and with the explanatory note which immediately follows the form of notice of termination in schedule 2 to this Act;
 - (b) by affixing to the burdened property and to—
 - (i) in a case (not being one mentioned in paragraph (c)(ii) below) where there exists one, and only one, lamp post which is situated within one hundred metres of that property, that lamp post; or
 - (ii) in a case (not being one so mentioned) where there exists more than one lamp post so situated, each of at least two such lamp posts,a conspicuous notice in the form set out in schedule 3 to this Act; or
 - (c) in a case where—
 - (i) it is not possible to comply with paragraph (b) above; or
 - (ii) the burdened property is minerals or salmon fishings,by advertisement in a newspaper circulating in the area of the burdened property.

- (3) Such intimation shall, except where it is impossible to do so, be given by the means described in subsection (2)(a) above if it is given—
- (a) under subsection (1)(b) or (c) above; or
 - (b) under subsection (1)(a) above in relation to a benefited property which is at some point within four metres of the burdened property.
- (4) An advertisement giving intimation under subsection (2)(c) above shall—
- (a) identify the land which is the burdened property;
 - (b) set out the terms of the real burden either in full or by reference to the constitutive deed;
 - (c) specify the name and address of a person from whom a copy of the proposed notice of termination may be obtained; and
 - (d) state that any owner of a benefited property, or as the case may be any holder of a personal real burden, may apply to the Lands Tribunal for Scotland for the real burden to be renewed or varied but that if no such application is received by a specified date (being the renewal date) the consequence may be that the real burden is extinguished.
- (5) The terminator shall provide a person with a copy of the proposed notice of termination (completed as is mentioned in subsection (2)(a) above and with the explanatory note referred to in that subsection) if so requested by that person.
- (6) A person—
- (a) is entitled to affix a notice to a lamp post in compliance with subsection (2)(b) above regardless of who owns the lamp post but must—
 - (i) take all reasonable care not to damage the lamp post in doing so; and
 - (ii) remove the notice no later than one week after the date specified in it as the renewal date; and
 - (b) must, until the day immediately following the date so specified, take all reasonable steps to ensure that the notice continues to be displayed and remains conspicuous and readily legible.
- (7) Section 184 of the Town and Country Planning (Scotland) Act 1997 (c. 8) (planning permission not needed for advertisements complying with regulations) applies in relation to a notice affixed in compliance with subsection (2)(b) above as that section applies in relation to an advertisement displayed in accordance with regulations made under section 182 of that Act (regulations controlling display of advertisements).