



# Land Registration etc. (Scotland) Act 2012

## 2012 asp 5

### PART 3

#### COMPETENCE AND EFFECT OF REGISTRATION

##### *Specific provisions on competence and effect of registration*

#### **52 Registration of, and of transactions and events affecting, leases**

- (1) The Registration of Leases (Scotland) Act 1857 (c.26) is amended as follows.
- (2) After section 20 insert—

##### **“20A Certain transactions or events registrable in the Land Register of Scotland**

- (1) A deed mentioned in subsection (2) which affects a lease registered in the Land Register of Scotland is registrable in that register.
- (2) The deed is one—
  - (a) terminating the lease,
  - (b) extending the duration of the lease,
  - (c) otherwise altering the terms of the lease.

##### **20B Effect of registration in the Land Register of Scotland**

- (1) Registration in the Land Register of Scotland has the effect of—
  - (a) vesting in the person registered as entitled to the lease a real right in and to the lease and in and to any right or pertinent, express or implied, forming part of the lease, subject only to the effect of any matter entered in that register so far as adverse to the entitlement,
  - (b) making any registered right or obligation relating to the registered lease a real right or obligation, and
  - (c) affecting any registered real right or obligation relating to the registered lease,

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*Status: This is the original version (as it was originally enacted).*

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in so far as the right or obligation is capable, under any enactment or rule of law, of being vested as a real right, of being made real or (as the case may be) of being affected as a real right.

- (2) Registration in the Land Register of Scotland is the only means—
- (a) whereby rights or obligations relating to a registered lease become real rights or obligations, or
  - (b) of affecting such real rights or obligations.

- (3) Subject to Part 9 of the Land Registration etc. (Scotland) Act 2012 ([asp 5](#)) (rights to persons acquiring etc. in good faith), registration of an invalid deed confers no real effect.”.

- (3) Schedule 2, which contains minor and consequential modifications of the 1857 Act in consequence on this Act, has effect.