



Title Conditions (Scotland) Act 2003

2003 asp 9

TITLE CONDITIONS (SCOTLAND) ACT 2003

PART 1

REAL BURDENS: GENERAL

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- 1 The expression “real burden”
- 2 Affirmative, negative and ancillary burdens
- 3 Other characteristics
- 4 Creation
- 5 Further provision as respects constitutive deed
- 6 Further provision as respects creation

Duration, enforceability and liability

- 7 Duration
- 8 Right to enforce
- 9 Persons against whom burdens are enforceable
- 10 Affirmative burdens: continuing liability of former owner
- 10A Notice of potential liability for costs: further provision
- 11 Affirmative burdens: shared liability

Division of benefited or burdened property

- 12 Division of a benefited property
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- 14 Construction

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- 15 Discharge
- 16 Acquiescence

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- 43 Rural housing burdens

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44 Maritime burdens

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45 Economic development burdens

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46 Health care burdens

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56 Facility burdens and service burdens

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69 Further provision as respects deeds of variation and of discharge

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- 96 Representations
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- 105 Alterations to Land Register consequential upon registering certain deeds

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- 106 Extinction of real burdens and servitudes etc. on compulsory acquisition of land
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- 109 Amendment of Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947
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- 119 Savings and transitional provisions etc.

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- 120 Requirement for dual registration
- 121 Crown application
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- 124 Sending
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- 126 Fees chargeable by Lands Tribunal in relation to functions under this Act
- 127 Orders, regulations and rules
- 128 Minor and consequential amendments, repeals and power to amend forms
- 129 Short title and commencement

SCHEDULE 1 — Form importing terms of title conditions
There are imported the terms of the title conditions specified...

SCHEDULE 1A — Form of notice of potential liability for costs
“NOTICE OF POTENTIAL LIABILITY FOR COSTS
Property to which the notice relates:
(see note 1 below)
Description of the maintenance or work to which notice relates:...
(see note 2 below)
Person giving notice:
(see note 3 below)
Signature:
(see note 4 below)
Date of signing:”
Notes for completion (These notes are not part of the...
1 Describe the property in a way that is sufficient to...
2 Describe the maintenance or work in general terms.
3 Give the name and address of the person applying for...
4 The notice must be signed by or on behalf of...

SCHEDULE 2 — Form of notice of termination

SCHEDULE 3 — Form of affixed notice relating to termination

SCHEDULE 4 — Form of notice of proposal to register deed of variation or discharge

SCHEDULE 5 — Further form of notice of proposal to register deed of variation or discharge of community burden: sent version

SCHEDULE 6 — Further form of notice of proposal to register deed of variation or discharge of community burden: affixed version

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SCHEDULE 7 — Form of notice of preservation

SCHEDULE 8 — Community consultation notice

SCHEDULE 9 — Form of notice of converted servitude

SCHEDULE 10 — Form of undertaking

SCHEDULE 11 — Title conditions not subject to discharge by Lands Tribunal

- 1 An obligation, however constituted, relating to the right to work...
- 2 In so far as enforceable by or on behalf of—...
- 3 An obligation created or imposed in or in relation to...

SCHEDULE 12 — Form of application for relevant certificate

SCHEDULE 13 — Amendment of Abolition of Feudal Tenure etc. (Scotland) Act 2000

- 1 The 2000 Act shall be amended in accordance with the...
- 2 In section 17 (extinction of superior's rights)—
- 3 In section 18 (reallotment of real burden by nomination of...
- 4 In section 20 (reallotment of real burden by order of...
- 5 In section 25 (counter-obligations on reallotment)— (a) for the words...
- 6 In section 27 (notice preserving right to enforce conservation burden)
—...
- 7 In section 42 (further provision as respects certain sections of...
- 8 In section 43 (notices and agreements under certain sections: extent...
- 9 In section 46(2) (discretion of Keeper in relation to entries...
- 10 In section 49 (interpretation of Part 4)—
- 11 In section 54 (extinction of superior's rights and obligations qua...
- 12 In section 56 (extinction etc. of certain payments analogous to...
- 13 In section 73 (feudal terms in enactments and documents: construction...
- 14 In section 75 (saving for contractual rights) the existing words...
- 15 In section 77 (short title and commencement)—
- 16 After schedule 5 there shall be inserted— SCHEDULE 5A Form...
- 17 In schedule 8 (form of notice preserving conservation body's or...
- 18 After schedule 8 there shall be inserted— SCHEDULE 8A Form...
- 19 After schedule 11 there shall be inserted— SCHEDULE 11A Form...
- 20 In schedule 12 (minor and consequential amendments), in paragraph 9(17),...

SCHEDULE 14 — Minor and consequential amendments

- 1 (1) Section 3 of the Registration of Leases (Scotland) Act...
- 2 In section 138 of the Titles to Land Consolidation (Scotland)...
- 3 (1) The Conveyancing (Scotland) Act 1924 shall be amended in...
- 4 (1) The Conveyancing and Feudal Reform (Scotland) Act 1970 shall...
- 5 (1) The Prescription and Limitation (Scotland) Act 1973 shall be...

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- 6 In section 2 of the Land Tenure Reform (Scotland) Act...
- 7 (1) The 1979 Act shall be amended in accordance with...
- 8 In section 17 of the Ancient Monuments and Archaeological Areas...
- 9 In section 23 of the Health and Social Services and...
- 10 In Schedule 3 to the Further and Higher Education (Scotland)...
- 11 In section 16(6) of the Crofters (Scotland) Act 1993 (provisions...
- 12 In section 58(1) of the Standards in Scotland's Schools etc....
- 13 In each of sections 1(1) (application to suspend enforcement of...

SCHEDULE 15 — Repeals

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Changes and effects yet to be applied to :

- s. 46(1) words repealed by [2004 asp 7 sch. 2](#)
- s. 46(2) words repealed by [2004 asp 7 sch. 2](#)
- s. 46(3) words repealed by [2004 asp 7 sch. 2](#)