Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 1

THE LAND REGISTER

Tenements etc.

16 Tenements and other flatted buildings

(1) Where the Keeper considers it appropriate in relation to a flatted building to do so, the Keeper may, instead of representing each registered flat in the building as a separate cadastral unit, represent the building and all the registered flats in it as a single cadastral unit.

(2) Where a flatted building and the registered flats in it are represented as a single cadastral unit—

(a) the cadastral map must show, for that cadastral unit, the title numbers of each registered flat, and

(b) the respective pro indiviso shares in the pertinents of the registered flats need not be entered in the proprietorship section of the title sheet of any of those flats.

(3) But subsections (1) and (2) do not apply in relation to land pertaining to the flatted building which—

(a) extends more than 25 metres from the building in so far as it so extends, or

(b) is further than 25 metres from the building (measuring along a horizontal plane from whatever point of that building is nearest to the land).

(4) In this Act a "flatted building" means—

(a) a tenement, or

(b) any other subdivided building.

(5) A "subdivided building"—

(a) means a building or part of a building, not being a tenement, which comprises two or more related flats, at least two of which—

(i) are, or are designed to be, in separate ownership, and

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(ii) are divided from each other vertically, and

(b) includes the solum and any other land pertaining to the building or part of the building.

(6) In determining whether flats comprised in a subdivided building are related, the Keeper must have regard, among other things, to—

(a) the title to the building, and

(b) any real burdens.

(7) In subsection (6), "title to the building" means—

(a) any conveyance, or reservation, of property which affects the subdivided building, any flat in the building or any pertinent of the building or of any such flat, and

(b) the relevant title sheet of the building, any flat in it or any pertinent of the building or of any such flat.

(8) Expressions used in this section and in sections 26 and 29 of the Tenements (Scotland) Act 2004 (asp 11) have the meanings given in that Act.

Commencement Information

I1 S. 16 in force at 8.12.2014 by S.S.I. 2014/127, **art. 2**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A48B and cross-heading inserted by 2016 asp 18 s. 43(2)
- s. 116(3)(ba)(bb) inserted by 2016 asp 18 s. 43(3)