

SCHEDULE

(introduced by section 79)

MINOR AND CONSEQUENTIAL AMENDMENTS

Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35)

- 1 In section 9(2B) (no standard security over personal pre-emption burden or personal redemption burden) of the Conveyancing and Feudal Reform (Scotland) Act 1970, after the words “Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)” insert “or as the case may be of section 23 of the Long Leases (Scotland) Act 2012 (asp 9)”.

Tribunals and Inquiries Act 1992 (c.53)

- 2 In section 11(7) of the Tribunal and Inquiries Act 1992 (which makes provision for Scotland in relation to appeals from certain tribunals), in paragraph (c)—
- (a) the words after “under” become sub-paragraph (i), and
 - (b) after that sub-paragraph insert—
 - “(ii) section 21 of the Long Leases (Scotland) Act 2012 (asp 9) (applications in relation to the conversion of certain conditions in leases into real burdens); or
 - (iii) section 69 of that Act (applications in relation to confirmation of rent);”.

Title Conditions (Scotland) Act 2003 (asp 9)

- 3 (1) The 2003 Act is amended in accordance with this paragraph.
- (2) In section 12 (division of a benefited property), in subsection (4)(a), after “Act” insert “or sections 29 or 31 of the Long Leases (Scotland) Act 2012 (asp 9)”.
- (3) In section 20 (notice of termination of real burdens), after subsection (6) insert—
- “(7) This section applies to a real burden created by the conversion of a qualifying condition under Part 2 of the Long Leases (Scotland) Act 2012 (asp 9) as if the reference to the “constitutive deed” were a reference to the deed setting out the qualifying condition.”.
- (4) In section 63 (manager burdens)—
- (a) in subsection (4)(d), for “the case mentioned in subsection (6)” substitute “either of the cases mentioned in subsection (6) or (6A)”,
 - (b) in subsection (5)(a), for “the case” substitute “either of the cases”,
 - (c) after subsection (6), insert—
 - “(6A) The case is where—
 - (a) a leasehold condition is imposed on the disposal, by virtue of section 61 of the Housing (Scotland) Act 1987 as modified by section 84A of that Act (application of right to buy in cases where landlord is lessee), of a landlord’s interest in a property by—
 - (i) a person such as is mentioned in any of the sub-paragraphs of subsection (2)(a) of section 61; or
 - (ii) a predecessor of such a person,

Status: This is the original version (as it was originally enacted).

- to a tenant of such a person; and
 - (b) that condition is converted into a manager burden under section 30 of the Long Leases (Scotland) Act 2012 (asp 9) (conversion of qualifying conditions into manager burdens).”, and
 - (d) in subsection (8)(b)—
 - (i) for “that” substitute “those”, and
 - (ii) for “subsection (6)” substitute “subsections (6) or (6A)”.
- (5) In section 105 (consequential alterations to Land Register)—
- (a) in subsection (2), for the words from “section”, where it first occurs, to “Act”, where it second occurs, substitute “—
 - (a) section 18, 19 or 20 of the 2000 Act;
 - (b) section 15 or 18 of the Long Leases (Scotland) Act 2012 (asp 9); or
 - (c) section 4(5), 50, 75 or 80 of this Act.”, and
 - (b) in subsection (3), after paragraph (a) insert—
 - “(aa) any—
 - (i) notice under section 14 of the Long Leases (Scotland) Act 2012; or
 - (ii) agreement under section 17 of that Act,
 which converts a qualifying condition (within the meaning of that Act) into a real burden;”.
- (6) In section 122 (interpretation), subsection (1)—
- (a) in the definition of “conservation burden” the word “or” immediately following sub-paragraph (a) is repealed and after sub-paragraph (b) insert—
 - “(c) obtained by virtue of section 27 of the Long Leases (Scotland) Act 2012 (asp 9) (conversion of qualifying condition to conservation burden); or
 - (d) obtained by virtue of section 28 of that Act (conversion of qualifying condition to conservation burden where conservation body or Scottish Ministers nominated to enforce);”.
 - (b) in the definition of “economic development burden”, at the end insert “and to a real burden created under section 24 of the Long Leases (Scotland) Act 2012 (asp 9) (conversion of qualifying condition to economic development burden)”.
 - (c) in the definition of “health care burden”, at the end insert “and to a real burden created under section 25 of the Long Leases (Scotland) Act 2012 (asp 9) (conversion of qualifying condition to health care burden)”.
 - (d) in the definition of “personal pre-emption burden” and “personal redemption burden” after the word “Act” insert “and section 23(1) of the Long Leases (Scotland) Act 2012 (asp 9)”.