

*These notes relate to the Land Registration etc. (Scotland) Act 2012 (asp 5) which received Royal Assent on 10 July 2012*

# LAND REGISTRATION ETC. (SCOTLAND) ACT 2012

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 9: Rights of Persons Acquiring Etc. in Good Faith**

##### **Servitudes**

##### ***Section 90: Grant of servitude by person not proprietor***

206. This section is the equivalent section to section 86, but for servitudes. It provides that in certain cases a servitude granted by someone with a bad title is valid. Like section 86, it requires the proprietor of the benefited property to be in good faith. This section applies only to the grant of a new servitude. It does not cover the case where land is disposed and from the register it appears that there is a servitude benefiting the property (i.e. as a pertinent), but in fact the servitude is invalid. In such a case, the servitude remains invalid notwithstanding the transfer to a good faith acquirer.