



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 1

THE LAND REGISTER

Title sheets and the title sheet record

9 The burdens section of the title sheet

- (1) The Keeper must enter in the burdens section of the title sheet—
- (a) where the right in land to which the title sheet relates is encumbered with a title condition—
 - (i) the terms of the title condition,
 - (ii) a description of any benefited property (in so far as known to the Keeper), and
 - (iii) if the title condition is a personal real burden, the name and designation of the person who has title to enforce it,
 - (b) where there is a long lease (other than a long sub-lease) which has real effect, that fact,
 - (c) in a case where the title sheet is a lease title sheet, where there is a long sub-lease (other than a long sub-sub-lease) which has real effect, that fact,
 - (d) in so far as known to the Keeper, any public right of way (by whatever means) over or through the land,
 - (e) particulars of any path order made under section 22 of the Land Reform (Scotland) Act 2003 ([asp 2](#)) (compulsory powers to delineate paths in land in respect of which access rights are exercisable), and
 - (f) any other encumbrance the inclusion of which in the register is permitted or required, expressly or impliedly, by an enactment and the name and designation of the person who has title to enforce that encumbrance.
- (2) In subsection (1)—
- “encumbrance” does not include a heritable security,
 - “long lease” means—
 - (a) a lease exceeding 20 years, or

Status: This is the original version (as it was originally enacted).

- (b) a lease which includes provision (however expressed) requiring the landlord to renew the lease at the tenant's request as a result of which (and without any subsequent agreement express or implied between the landlord and tenant) the total duration could exceed 20 years.
- (3) This section is subject to section 18(4) and to paragraph 9 of schedule 1.