



# Title Conditions (Scotland) Act 2003

## 2003 asp 9

### PART 11

#### SAVINGS, TRANSITIONAL AND GENERAL

##### *Savings and transitional provisions etc.*

#### **119 Savings and transitional provisions etc.**

- (1) Nothing in this Act shall be taken to impair the validity of creating, varying or discharging a real burden by the registering of a deed before the appointed day.
- (2) This Act is without prejudice to section 3(1) of the 1979 Act (effect of registration).
- (3) The repeal by this Act of section 32 of the Conveyancing (Scotland) Act 1874 (c. 94) does not affect the construction of the expression “deed of conditions” provided for in section 122(1) of this Act.
- (4) Sections 8 and 14 of this Act do not affect proceedings commenced before the appointed day.
- (5) Section 10 of this Act does not apply where a person ceases to be, or becomes, an owner before the appointed day.
- (6) Section 16 of this Act does not apply as respects a breach of a real burden which occurs before the appointed day.
- (7) Section 61 of this Act does not apply as respects a constitutive deed (or a deed into which the constitutive deed is incorporated) registered before the appointed day except in so far as a real burden the terms of which are set out in the constitutive deed is a community burden.
- (8) Sections 75 and 78 of this Act do not apply as respects a deed executed before the appointed day.
- (9) <sup>F1</sup>.....
- (10) Except where the contrary intention appears, this Act applies to all real burdens, whenever created.

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*Status: Point in time view as at 28/11/2004.*

**Changes to legislation:** *There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Cross Heading: Savings and transitional provisions etc.. (See end of Document for details)*

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#### **Textual Amendments**

- F1** [S. 119\(9\)](#) omitted (23.10.2004) by virtue of [Tenements \(Scotland\) Act 2004 \(asp 11\)](#), ss. 25, 34(3), [Sch. 4 para. 18](#) (with s. 33)

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Point in time view as at 28/11/2004.

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