



# Land Registration (Scotland) Act 1979

## 1979 CHAPTER 33

### PART I

#### REGISTRATION OF INTERESTS IN LAND

#### **3 Effect of registration**

(1) Registration shall have the effect of—

- (a) vesting in the person registered as entitled to the registered interest in land a real right in and to the interest and in and to any right, pertinent or servitude, express or implied, forming part of the interest, subject only to the effect of any matter entered in the title sheet of that interest under section 6 of this Act so far as adverse to the interest or that person's entitlement to it and to any overriding interest whether noted under that section or not;
- (b) making any registered right or obligation relating to the registered interest in land a real right or obligation ;
- (c) affecting any registered real right or obligation relating to the registered interest in land,

insofar as the right or obligation is capable, under any enactment or rule of law, of being vested as a real right, of being made real or, as the case may be, of being affected as a real right.

In this subsection, " enactment " includes sections 17, 18 and 19 of this Act.

(2) Registration shall supersede the recording of a deed in the Register of Sasines but, subject to subsection (3) below, shall be without prejudice to any other means of creating or affecting real rights or obligations under any enactment or rule of law.

(3) A—

- (a) lessee under a long lease;
- (b) proprietor under udal tenure ;
- (c) kindly tenant,

shall obtain a real right in and to his interest as such only by registration ; and registration shall be the only means of making rights or obligations relating to the

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*Status: This is the original version (as it was originally enacted).*

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registered interest in land of such a person real rights or obligations or of affecting such real rights or obligations.

- (4) The date—
- (a) at which a real right or obligation is created or as from which it is affected under this section;
  - (b) of entry of a feuar of a registrable interest in land with his superior,
- shall be the date of registration.
- (5) Where an interest in land has been registered, any obligation to assign title deeds and searches relating to that interest in land or to deliver them or make them forthcoming or any related obligation shall be of no effect in relation to that interest or to any other registered interest in land.

This subsection does not apply—

- (a) to a land or charge certificate issued under section 5 of this Act;
  - (b) where the Keeper has, under section 12(2) of this Act, excluded indemnity under Part II of this Act.
- (6) It shall not be necessary for an uninfert proprietor of an interest in land which has been registered to expedite a notice of title in order to complete his title to that interest if evidence of sufficient midcouples or links between the uninfert proprietor and the person last infert are produced to the Keeper on any registration in respect of that interest and, accordingly, section 4 of the Conveyancing (Scotland) Act 1924 (completion of title by person uninfert) shall be of no effect in relation to such an interest in land.

This subsection does not apply to the completion of title under section 74 or 76 of the Lands Clauses Consolidation (Scotland) Act 1845 (procedure on compulsory purchase of lands).

- (7) Nothing in this section affects any question as to the validity or effect of an overriding interest.