

*Status: Point in time view as at 06/04/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Land Tenure Reform (Scotland) Act 1974. (See end of Document for details)*

# SCHEDULES

## SCHEDULE 1

Section 4.

### FORMS PRESCRIBED UNDER SECTION 4

F1 ...

F1 ...

#### Textual Amendments

**F1** Schs. 1-4 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [Sch. 13 Pts. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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SCHEDULE 2

Section 5.

FORM OF NOTICE PRESCRIBED UNDER SECTION 5

F1 ...

F1 ...

F1 ...

F1 ...

F1 ...

F1 ...

F1 ...

F1 ...

SCHEDULE 3

Section 6.

FORM OF NOTICE PRESCRIBED UNDER SECTION 6

F1 ...

F1 ...

F1 ...

F1 ...

F1 ...

F1 ...

SCHEDULE 4

Section 7.

STATEMENT REFERRED TO IN SECTION 7(1)(B)

F1 ...

F1 ...

F1 ...

F1 ...

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## SCHEDULE 5

Section 9.

### FORM OF NOTICE PRESCRIBED UNDER SECTION 9

“Notice

under subsection (1) of section 9 of the Land Tenure Reform (Scotland) Act 1974 (consequences of use as dwelling-house of property subject to long lease, etc.)

To Terminate Use as or as part of Private Dwelling-House of Property subject to [Lease]

[Liferent]

[Right of Occupancy]

[Address of person sending notice, and Date]

To [name and address of addressee]

You are required to terminate the use as or as part of a private dwelling-house of [give sufficient identification of the property by reference to the lease, etc. or otherwise: if the notice relates to the use of part only of the property subject to the lease, etc., the identification should be a particular description or a description by reference of that part, in terms of section 9(5) of this Act] within 28 days from the date of this notice, under pain of action of removing in terms of section 9 of the Land Tenure Reform (Scotland) Act 1974.

(Signed) AB.

orCD,

Agent for AB.”

*Note to be appended to Notice*

”The reason for giving this notice is contravention of the condition contained in subsection (1) of section 8 of the Land Tenure Reform (Scotland) Act 1974 (property let under long lease, etc. not to be used as private dwelling-house).

Without prejudice to any other rights, obligations or defences which you may have under section 8, 9 or 10 of the said Act or otherwise, your attention is directed to the following provisions of the Act:—

Section 9(3):

[Here quote the subsection verbatim]

Section 9(4):

[Here quote the subsection verbatim]

Section 10(3):

[Here quote the subsection verbatim]

If you are in doubt about your position in law you should obtain legal advice promptly.”

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## SCHEDULE 6

Section 18.

### AMENDMENT OF LAW RELATING TO REGISTRATION OF LEASES

#### Modifications etc. (not altering text)

- C1** The text of Sch. 6 paras. 1—7, Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The Registration of Leases (Scotland) Act 1857* <sup>M1</sup>.

#### Marginal Citations

**M1** [1857 c.26](#)

- 1 In section 1 (long leases, and assignments thereof, registrable in register of sasines), for the words “of thirty-one years, and for any greater number of years that shall be stipulated” there shall be substituted the words “exceeding twenty years”.
- 2 In section (recorded leases effectual against singular successors in the lands let), the words “at or subsequent to the date of entry therein stipulated” shall cease to have effect.
- 3 Section 16 (registration equivalent to possession) shall be renumbered as subsection (1) of that section, and at the end there shall be added the following subsection—
 

“(2) The registration of any such lease or other writ as aforesaid, in manner herein provided, on or after 1st September 1974, shall, without prejudice to the foregoing provisions of this section and to the provisions of section 2 of the Prescription and limitation (Scotland) Act 1973 <sup>M2</sup>, complete the right under the same to the effect of establishing in virtue thereof such a preference as aforesaid over the right of any party to any such lease or writ, or of any party in his right, granted after that date and not registered in manner herein provided at the time of the registration of the lease or writ first mentioned”.

#### Marginal Citations

**M2** [1973 c.52](#)

- 4 In section 17 (leases with obligation to renew, registrable), for the words “of thirty-one years or upwards” there shall be substituted the words “exceeding twenty years”.
- 5 Section 18 (which provides that certain leases are not to be registrable where the name and extent of the lands is not given or where they exceed 50 acres) shall cease to have effect.
- 6 In section 19 (extracts registrable where leases recorded in Court of Session or sheriff court books), the words “before the passing thereof” shall cease to have effect.

*The Long Leases (Scotland) Act 1954* <sup>M3</sup>

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### Marginal Citations

M3 1954 c.49

- 7 In section 27 (amendment of section 18 of the Registration of Leases (Scotland) Act 1857), subsection (1) and, in subsection (2), the words after “1924” shall cease to have effect.

### NOTES

- 1 The amendments made in accordance with this Schedule to sections 1, 2 and 17 of the <sup>M4</sup>Registration of Leases (Scotland) Act 1857 shall have effect in relation to leases executed before the commencement of this Act as they have effect in relation to those executed thereafter.

### Marginal Citations

M4 1857 c. 26.

- 2 Section 19 of the Registration of Leases (Scotland) Act 1857 shall be deemed always to have had effect subject to the amendment thereto made in accordance with this Schedule.
- 3 Section 27(1) of the <sup>M5</sup>Long Leases (Scotland) Act 1954 (which is repealed by this Act) shall be deemed always to have had effect subject to the substitution, before the words “there is endorsed”, for the word “and”, of the words “or (as the case may be)”.

### Marginal Citations

M5 1954 c. 49.

## SCHEDULE 7

Section 23.

### REPEALS.

### Modifications etc. (not altering text)

- C2 The text of Sch. 6 paras. 1—7, Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
3 & 4 Will. 4. c. 69. 15 & 16 Vict. c. 28. 20 & 21 Vict. c. 26.	The Crown Lands (Scotland) Act 1833. The Commissioners of Works Act 1852. The Registration of Leases (Scotland) Act 1857.	Section 7. Section 7. <i>In section 2, the words “at or subsequent to the date of entry therein stipulated”.</i> Section 18. <i>In section 19, the words “before the passing thereof”.</i> <i>In section 27, subsection (1) and, in subsection (2), the words after “1924”.</i>
2 & 3 Eliz. 2. c. 49.	The Long Leases (Scotland) Act 1954.	

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