



# Land Registration (Scotland) Act 1979

## 1979 CHAPTER 33

### PART III

#### SIMPLIFICATION AND EFFECT OF DEEDS

#### 15 Simplification of deeds relating to registered interests.

- <sup>F1</sup>(1) .....
- <sup>F1</sup>(2) .....
- <sup>F1</sup>(3) .....

(4) It shall not be necessary, in connection with any deed relating to a [<sup>F2</sup>plot of land or lease registered in the Land Register of Scotland ], to include an assignation of any obligation or right of relief or to narrate the series of writs by which the grantor of the deed became entitled to enforce that obligation or exercise that right if the obligation or right has been entered in the title sheet of [<sup>F3</sup>the plot or lease] and, accordingly, in such a case—

- (a) section 50 of and Schedule M to the <sup>M1</sup>Conveyancing (Scotland) Act 1874 (form and effect of assigning right of relief or other right affecting land) shall not apply to such a deed; and
- (b) such a deed shall for all purposes import a valid and complete assignation of that obligation or right.

#### Textual Amendments

- F1** S. 15(1)-(3) repealed (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [sch. 5 para. 19\(3\)\(a\)](#) (with s. 121, [sch. 4 paras. 13, 16](#)); S.S.I. 2014/127, art. 2
- F2** Words in s. 15(4) substituted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [sch. 5 para. 19\(3\)\(b\)\(i\)](#) (with s. 121, [sch. 4 paras. 13, 16](#)); S.S.I. 2014/127, art. 2
- F3** Words in s. 15(4) substituted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [sch. 5 para. 19\(3\)\(b\)\(ii\)](#) (with s. 121, [sch. 4 paras. 13, 16](#)); S.S.I. 2014/127, art. 2

Status: Point in time view as at 08/12/2014.

Changes to legislation: There are currently no known outstanding effects for the Land Registration (Scotland) Act 1979, Part III. (See end of Document for details)

**Marginal Citations**

M1 1874 c. 94.

**16 Omission of certain clauses in deeds.**

- (1) It shall not be necessary to insert in any deed executed after the commencement of this Act which conveys an interest in land a clause of assignation of writs and any such deed shall, unless specially qualified, import an assignation to the grantee of the title deeds and searches and all deeds not duly recorded, and shall—
  - (a) impose on the grantor or any successor an obligation—
    - (i) to deliver to the grantee all title deeds and searches relating exclusively to the interest conveyed;
    - (ii) to make forthcoming to the grantee and his successors at his or their expense on all necessary occasions any title deeds and searches which remain in the possession of the grantor or any successor and which relate partly to the interest conveyed; and
  - (b) import an assignation to the grantee by the grantor of his right to require any person having custody thereof to exhibit or deliver any title deeds and searches remaining undelivered; and
  - (c) impose on the grantee or any successor an obligation to make forthcoming on all necessary occasions to any party having an interest therein any deeds and searches which have been delivered to the grantee but which relate partly to interests other than the interest conveyed to the grantee.
- (2) <sup>F4</sup> .....
- (3) It shall not be necessary to insert in any deed conveying an interest in land executed after the commencement of this Act a clause of assignation of rents or a clause of obligation of relief, and any such deed so executed shall, unless specially qualified, import—
  - (a) an assignation of the rents payable—
    - (i) in the case of backhand rents, at the legal terms following the date of entry, and
    - (ii) in the case of forehand rents, at the conventional terms following that date;
  - (b) an obligation on the grantor to relieve the grantee of all <sup>F5</sup> . . . annuities and public, parochial and local burdens exigible in respect of the interest prior to the date of entry <sup>F5</sup> . . . .

**Textual Amendments**

- F4 S. 16(2) repealed (28.11.2004) by 2000 asp 5, ss. 76(1)(2), 77(2)(a)(c)(d), Sch. 12 Pt. 1 para. 39(7)(a), Sch. 13 Pt. 1 (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F5 Words in s. 16(3)(b) repealed (28.11.2004) by 2000 asp 5, ss. 76(1)(2), 77(2)(a)(c)(d), Sch. 12 Pt. 1 para. 39(7)(a), Sch. 13 Pt. 1 (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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

- C1 S. 16(1)(2) modified (6.1.1994) by 1993 c. 43, ss. 97, 150(1)(d)(n), Sch. 8 para.4(3); S.I. 1993/3237, art.2.

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- C2** S. 16(1)(2) modified by Electricity Act 1989 (c. 29, SIF 44:1), ss. 70, 112(3), Sch.10 para. 5(3), **Sch. 17 para. 35(1)**
- C3** S. 16(1)(2): power to modify conferred (1.4.1994) by 1993 c. 43, ss. 59(4), 150(1)(c)(m), 154(2), Sch. 7 para. 3(4)(c); S.I. 1994/571, **art. 5**
- C4** S. 16(1)(2) modified (5.7.1994) by 1994 c. 21, ss. 12(8), 68(4)(6), **Sch. 2**, para. 4(4) (with s. 40(7))
- C5** S. 16(1)(2) modified (10.3.1995) by 1994 c. 39, s. 95, Sch. 11 paras. 3(3), **4** (with ss. 74(4), 128(8)); S.I. 1995/702, **art. 2(g)**.
- C6** S. 16(1)(2) modified (8.11.1995) by 1995 c. 37, s. 1(5), **Sch. 1 para. 5(4)(6)**
- C7** S. 16(1)(2) modified (24.7.1996) by 1996 c. 55, ss. 131(4), 149(1)(f), **Sch. 5 para. 4(4)** (with s. 43(1))
- C8** S. 16(1)(2) applied (with modifications) (1.2.2001) by 2000 c. 38, s. 63, **Sch. 6 para. 12(3)** (with ss. 105(2)(5), 106(4)); S.I. 2001/57, art. 3, **Sch. 2 Pt. I** (subject to transitional provision and saving in Sch. 2 Pt. II)
- C9** S. 16(1)(2) applied (with modifications) (5.10.2004) by Energy Act 2004 (c. 20), ss. 38(2), 198(2) {Sch. 5 para. 6(7)} (with s. 38(2)); S.I. 2004/2575, **art. 2(1)**, Sch.
- C10** S. 16(1)(2) applied (with modifications) (5.10.2004) by Energy Act 2004 (c. 20), ss. 159(2), 198(2), **Sch. 21 para. 7(7)** (with s. 38(2)); S.I. 2004/2575, **art. 2(1)**, Sch.
- C11** S. 16(1) modified (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 1 para. 13(3)**; S.I. 2011/2329, art. 3
- C12** S. 16(1) applied (with modifications) (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 11 para. 17(3)**; S.I. 2011/2329, art. 3

## 17 Deeds of declaration of conditions.

F6 .....

### Textual Amendments

- F6** S. 17 repealed (28.11.2004) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 122(1), 128(2), 129(2), **Sch. 15** (with ss. 119, 121); S.S.I. 2003/456, **art. 2**

## 18 Variations and discharges of land obligations.

F7 .....

### Textual Amendments

- F7** S. 18 repealed (28.11.2004) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 122(1), 128(2), 129(2), **Sch. 15** (with ss. 119, 121); S.S.I. 2003/456, **art. 2**

## F8 19 Agreement as to common boundary.

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### Textual Amendments

- F8** S. 19 repealed (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 19(4)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

**Status:**

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**Changes to legislation:**

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