



Land Registration (Scotland) Act 1979

1979 CHAPTER 33

PART IV

MISCELLANEOUS AND GENERAL

21 Provisions supplementary to section 20.

- (1) Any question arising under section 20 of this Act as to—
- (a) whether a person is a tenant-at-will;
 - (b) the extent or boundaries of any tenancy land;
 - (c) the value of any tenancy land or as to what proportion of any sum secured over any land may reasonably be regarded as attributable to any tenancy land included in that land;
 - (d) whether any expenses are reasonably and properly incurred;
 - (e) what are appropriate terms and conditions,
- shall be determined, on the application of the tenant-at-will, a person claiming to be the tenant-at-will or the landlord, by the Lands Tribunal for Scotland.
- (2) The Lands Tribunal for Scotland may, on the application of a tenant-at-will who wishes to acquire his landlord's interest in the tenancy land under section 20 of this Act, if they are satisfied that such landlord is unknown or cannot be found, make an order—
- (a) dispensing with notice under section 20(2) above;
 - (b) fixing an amount by way of compensation in accordance with section 20(3) of this Act;
 - (c) determining appropriate terms and conditions on which the landlord's interest in the tenancy land should be conveyed,
- for the purposes of the acquisition by the tenant-at-will of his landlord's said interest.
- (3) If the landlord—
- (a) fails to convey his interest in accordance with section 20(6) of this Act, or
 - (b) is unknown or cannot be found,

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Changes to legislation: There are currently no known outstanding effects for the Land Registration (Scotland) Act 1979, Section 21. (See end of Document for details)

the tenant-at-will may apply to the sheriff for an order dispensing with the execution by the landlord of the conveyance in favour of the tenant-at-will and directing the sheriff clerk to execute the conveyance instead of the landlord, and on making such an order the sheriff may require the tenant-at-will to consign in court any sums payable by the tenant-at-will under section 20(3) and (5) of this Act or, as the case may be, any sums specified in an order under subsection (2) above.

- (4) Where, in pursuance of an order made by the sheriff under this section, a conveyance is executed by the sheriff clerk on behalf of the landlord, such conveyance shall have the like force and effect as if it had been executed by such landlord.
- (5) The sheriff may, on the application of any party, order the investment, payment or distribution of any sums consigned in court under subsection (3) above, and in so doing the sheriff shall have regard to the respective interests of any parties appearing to have a claim on such sums.
- (6) Nothing in section 5 of the ^{M1}Sheriff Courts (Scotland) Act 1907 shall entitle any party to an application to the sheriff under this section to require it to be remitted to the Court of Session on the grounds that it relates to a question of heritable right or title.
- (7) A landlord shall have power to execute a valid conveyance in pursuance of this section notwithstanding that he may be under any such disability as is mentioned in section 7 of the ^{M2}Lands Clauses Consolidation (Scotland) Act 1845.
- (8) Where a person other than the landlord is [^{F1}owner of] the subjects to be conveyed, references in section 20 of this Act and in this section to the landlord shall be construed as references to the landlord and such other person for their respective rights.
- [^{F2}(9) Any condition or provision to the effect that a person with an interest in land shall be entitled to a right of pre-emption in the event of a sale of the land, or of any part of the land, by the proprietor for the time being, shall not be capable of being enforced where the sale is by a landlord to his tenant-at-will under section 20 of this Act.]
- (10) In this section and in section 20(5) and (6) of this Act, references to the conveying of the landlord's interest in the tenancy land shall be construed as references to a [^{F3}disposition by him] of that land or, where the landlord is a lessee under a lease, an assignation of the lease but only as regards the tenancy land and, in this section, "conveyance" shall be construed accordingly.

Textual Amendments

- F1** Words in s. 21(8) substituted (28.11.2004) by 2000 asp 5, ss. 76(1), 77(2)(a)(c), Sch. 12 Pt. 1 para. 39(9)(a) (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**
- F2** S. 21(9) substituted (28.11.2004) by 2000 asp 5, ss. 76(1), 77(2)(a)(c), Sch. 12 Pt. 1 para. 39(9)(b) (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**
- F3** Words in s. 21(10) substituted (28.11.2004) by 2000 asp 5, ss. 76(1), 77(2)(a)(c), Sch. 12 Pt. 1 para. 39(9)(c) (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**

Marginal Citations

- M1** 1907 c. 51.
M2 1845 c. 19.

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Changes to legislation:

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