



Law Reform (Miscellaneous Provisions) (Scotland) Act 1985

1985 CHAPTER 73

Provisions relating to leases

3 Creation of real conditions in assignments of certain long leases. S

Section 3 of the ^{M1}Registration of Leases (Scotland) Act 1857 (assignments of recorded leases) shall be renumbered as subsection (1) of that section and after that subsection there shall be inserted the following subsections—

“(2) Notwithstanding—

- (a) any restriction imposed by subsection (1) above on the power under that subsection to assign such a lease; or
- (b) any rule of law to the contrary,

it shall be, and shall be deemed always to have been, competent in an assignment under this section to impose conditions and make stipulations which, upon the recording of such assignment or the registration under the Land Registration (Scotland) Act 1979 of the assignee’s interest, shall be as effectual against any singular successor of the assignee in the subjects assigned as if such assignee had been a grantee of the lease and it had been duly recorded or, as the case may be, the grantee’s interest had been so registered.

(3) Nothing in subsection (2) above makes effectual against any successor of the assignee any obligation of periodical payment other than a payment—

- (a) of rent or of an apportionment of rent;
- (b) in defrayal of a contribution towards some continuing cost related to the lands and heritages subject to the lease assigned; or

(4) A provision in an assignment which purports to make effectual against any successor of the assignee any obligation of periodic payment other than one specified in paragraphs (a) to (c) of subsection (3) above shall not render the deed void or unenforceable, but the assignment shall have, and shall be deemed

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, Section 3 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

always to have had, effect only to the extent (if any) that it would have had effect if it had not imposed such obligation.

- (5) Section 32 of the Conveyancing (Scotland) Act 1874 (which enables reservations, conditions, covenants etc. affecting lands to be effectually imported into one deed by reference to another) and section 17 of the Land Registration (Scotland) Act 1979 (which provides that certain obligations in deeds of conditions shall become real obligations upon the recording of the deed or registration of the obligation) shall, with the necessary modifications, respectively apply for the purposes of enabling conditions and stipulations to be effectually imported into any assignation under this section and enabling land obligations in a deed of conditions relating to the land subject to the assignation to become real obligations affecting the land.

In this subsection “land obligation” has the meaning assigned to it by section 1(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970.”

Marginal Citations

M1 1857 c. 26.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(5A) inserted by [2007 asp 3 s. 48\(3\)](#)