

*These notes relate to the Abolition of Feudal Tenure etc. (Scotland)
Act 2000 (asp 5) which received Royal Assent on 14 July 2000*

ABOLITION OF FEUDAL TENURE ETC. (SCOTLAND) ACT 2000

EXPLANATORY NOTES

FINANCIAL MEMORANDUM

Costs on Other Bodies, Individuals and Businesses

Costs on businesses and other bodies

268. The Act treats businesses in the same way as other feudal superiors and vassals. It is therefore a matter of choice for individual businesses whether, for example, they wish to use the notice or agreement procedures under the Act in order to preserve burdens.

Costs on conservation bodies

269. The Act provides for the preservation of burdens which have the purpose of preserving or protecting, for the public benefit, the architectural, historical or other special interest of the affected property. It is intended that Scottish Ministers should be empowered to designate a body as a conservation body if one of its objects or functions was to protect or preserve for the benefit of the public, the architectural, historical or other special interest of land or buildings. The conservation body would be entitled, before the appointed day of abolition of the feudal system, to execute and register in the Register of Sasines or the Land Register a notice converting a feudal burden of the sort described above into a new category of "conservation burden".

270. Clearly conservation bodies will incur costs in examining existing titles in order to identify burdens which should be preserved using the notice procedure. In practice, however, it seems likely that conservation bodies would wish to preserve all burdens which have been imposed under the category specified above. It is certain that they will wish to avail themselves of this opportunity provided by the Act and they are likely to be able to meet the costs of this change from existing resources.

Costs on individuals

271. Around 10 per cent of properties held under feudal tenure may become liable for compensation for the extinction of feuduty, but the sums may not be claimed in a large number of cases.

272. In circumstances where a former vassal refuses to agree to a superior's request that a burden be preserved, an individual may wish to oppose an application to the Lands Tribunal by the superior seeking to preserve the burden. Legal aid will be available where appropriate and it is possible that the Lands Tribunal procedures may be streamlined in order to reduce costs further.

273. The likely costs on individual superiors have been set out above.