

Changes to legislation: Abolition of Feudal Tenure etc. (Scotland) Act 2000, SCHEDULE 1 is up to date with all changes known to be in force on or before 25 May 2023. 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

SCHEDULE 1

(introduced by section 8(2))

FORM OF NOTICE REQUIRING COMPENSATORY
PAYMENT ETC.:CUMULO FEUDUTY

“NOTICE UNDER SECTION 8(1) OF THE ABOLITION OF FEUDAL TENURE ETC. (SCOTLAND) ACT 2000
(CUMULO FEUDUTY)

To: *[name and address of former vassal]*.

This notice is sent by *[name and address of former superior]*. You are required to pay the sum of £ *[amount]* as a compensatory payment for the extinction of the *cumulo* feuduty of £ *[amount]* per annum due in respect of *[give sufficient identification of the land in respect of which the cumulo feuduty was due]*.

The attached appendix shows the total sum due as compensation for the extinction of the feuduty and the compensatory payment due by each owner.

(If arrears of the feuduty are also sought, then add:

You are also required to pay the sum of £ *[amount]* as arrears of the feuduty.)

Signed: *[signature either of the former superior or of his agent; and if an agent signs he should put the word “Agent” after his signature]*

Date:

(If payment is to be made to an agent of the former superior then add:

Payment should be made to: *[name and address of agent]*).”.

Appendix referred to in the Notice:

Total compensation payable is £ *[amount]*, allocated as follows:

Owner (see note for completion 1)	Property (see note for completion 2)	Compensatory payment (see note for completion 3)

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Explanatory Note

(This explanation, and the "Notes for completion of the Appendix" which immediately follows it, have no legal effect)

The feudal system was abolished on *[insert date of abolition]*. By this notice your former feudal superior is claiming compensation from you for the extinction of the *cumulo* feuduty which affected your property. A *cumulo* feuduty is one which affects two or more properties in separate ownership. This notice must have been sent within two years after the date of abolition.

The appendix sets out the total sum due as compensation for the extinction of the *cumulo* feuduty and divides that sum among the owners of the affected properties.

The total compensation payable is that sum which would, if invested in 2½% Consolidated Stock at the middle market price at the close of business last preceding the date of abolition, produce an annual sum equal to the *cumulo* feuduty. In practice the sum is arrived at by multiplying the feuduty by a factor known as the "compensation factor". This factor is *[insert factor]*.

If the amount of the compensatory payment allocated to you is £50 or more you can choose to pay the sum due by instalments. You may do this by signing, dating and returning, within eight weeks, the enclosed instalment document.

If, having received the instalment document, you sell, or transfer for valuable consideration, the property or any part of it you will lose the option of paying by instalments.

Unless you are paying by instalments you must pay the compensatory payment allocated to you within eight weeks.

Your former feudal superior may also be claiming arrears of feuduty for the period before the date of abolition.

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If at one time you had right to the property in question but, immediately before the feudal system was abolished, you no longer had that right (because, for example, you had sold that property to someone else) then this notice has been served on you in error and no payment will be due; but you nevertheless have to provide the person who sent you the notice, if you can, with such information as you have which might enable him to identify the person who should have received notice instead of you.

If you think that the amount required from you is not due for that or any other reason, you are advised to consult your solicitor or other adviser.

Notes for completion of the Appendix

- 1 Insert the name of each owner.
- 2 Give sufficient identification of each part of the land held in separate ownership (including, where appropriate, the postal address) which was subject to the *cumulo* feuduty.
- 3 Insert the amount of the compensation allocated to each owner.

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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. 18C(1) words repealed by [2004 asp 7 sch. 2](#)
- s. 18C(3) words repealed by [2004 asp 7 sch. 2](#)