



Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 7

GENERAL

73 Feudal terms in enactments and documents: construction after abolition of feudal system

- (1) Where a term or expression, which before the appointed day would ordinarily, or in the context in which it is used, depend for its meaning on there being a feudal system of land tenure, requires to be construed, in relation to any period from that day onwards—
- (a) in an enactment (other than this Act) passed;
 - (b) in an enactment contained in subordinate legislation made; or
 - (c) in a document executed, before the appointed day, then in so far as the context admits, where the term or expression is, or contains, a reference to—
 - (i) the *dominium utile* of the land, that reference shall be construed either as a reference to the land or as a reference to the ownership of that land;
 - (ii) an estate in land, that reference shall be construed as a reference to a right in land and as including ownership of land;
 - (iii) a vassal in relation to land, that reference shall be construed as a reference to the owner of the land;
 - (iv) feuing, that reference shall be construed as a reference to disposing;
 - (v) a feu disposition, that reference shall be construed as a reference to a disposition;
 - (vi) taking infeftment, that reference shall be construed as a reference to completing title,analogous terms and expressions being construed accordingly.
- (2) On and after the appointed day, any reference in any document executed before that day to a superior shall, where that reference requires to be construed in relation to a real burden which a person is entitled, by virtue of section 18, 19, 20, 23, 28 or, as

Status: This is the original version (as it was originally enacted).

the case may be, 60 of this Act, to enforce on and after that day, be construed as a reference to that person.

(3) Subsection (1) above is without prejudice to section 76 of, and schedules 12 and 13 to, this Act or to any order made under subsection (3) of that section.

(4) In subsection (1) above—

- (a) in paragraph (a), “enactment” includes a local and personal or private Act; and
- (b) in paragraph (b), “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30) (but includes subordinate legislation made under an Act of the Scottish Parliament).