



Conveyancing and Feudal Reform (Scotland) Act 1970

1970 CHAPTER 35

PART I

FEUDAL REFORM

Allocation of feuduties, etc.

5 Provisions supplementary to sections 3 and 4

- (1) Where, under the provisions of this Act, a portion of a *cumulo* feuduty has been allocated on a part of a feu, that part of the feu shall, in relation to the rights and obligations of the proprietors of the remainder of the feu relating to payment of the remainder of the feuduty, be treated as if it had never been part of the feu and as if the portion of the feuduty allocated on it had never formed part of the *cumulo* feuduty.
- (2) Nothing in section 4 of this Act shall empower the Lands Tribunal to make an order which would result in any alteration of the total amount of feuduty exigible in respect of the feu which, before the making of the order, was burdened with the *cumulo* feuduty allocated by the order.
- (3) An order of the Lands Tribunal under section 4 of this Act allocating the whole of the *cumulo* feuduty to which the order relates shall supersede for all purposes any existing apportionment of that feuduty.
- (4) Where an application is made to the Lands Tribunal under section 4 of this Act in respect of a notice relating to a *cumulo* feuduty, any notice of allocation relating to that feuduty shall be of no effect.
- (5) Subject to the provisions of this section, an allocation of feuduty effected under section 3 or 4 of this Act shall take effect as respects the amount of the feuduty so allocated which becomes exigible at any term occurring not less than 3 months after the service of the notice of allocation or (in the case of an allocation effected by order

Status: This is the original version (as it was originally enacted).

of the Lands Tribunal) after the date of the order, as if it were effected by a duly recorded memorandum of allocation under the law in force before the commencement of this Act.

(6) In any proceedings, the production of a document purporting to be a copy of a notice of allocation together with a registered post or recorded delivery service receipt addressed to the superior shall be sufficient evidence of the fact and date of service of the notice; and any such copy shall be taken to be a true copy unless the contrary is shown.

(7) For the purposes of this section and of sections 3 and 4 of this Act,

" notice of allocation " means a notice under section 3 of this Act;

" proprietor ", in relation to a part of a feu, includes a person having right to that part but whose title thereto is not complete, and includes a person who is obliged to relieve the proprietor of liability for payment of the whole or part of the *cumulo* feuduty burdening that feu;

" superior", in relation to a feu, means the immediate superior, and includes a person having right to a superiority but whose title thereto is not complete.