



# Long Leases (Scotland) Act 1954

## 1954 CHAPTER 49

### PART I

#### GRANT OF FEU RIGHT OF PROPERTY LET UNDER CERTAIN LONG LEASES

##### *Supplementary provisions*

#### **21 Provisions regarding securities**

- (1) Where a feu right of any subjects is granted under this Part of this Act, any bond and assignation in security or other security (not being a security constituted by *ex facie* absolute assignation) which immediately prior to such grant burdened the interest of the occupying lessee shall, as from the appropriate date determined in accordance with the provisions of the next following subsection, have effect in relation to the said subjects as if it had been duly completed in accordance with the appropriate form usually employed in such cases for burdening property held in feu farm of a superior and shall burden the *dominium utile* of the subjects accordingly.
- (2) The appropriate date for the purposes of the foregoing subsection shall be—
  - (a) where the bond and assignation in security or other security has been recorded in the Register of Sasines before the date of the feu contract disposing the subjects, the date of the said feu contract;
  - (b) where the bond and assignation in security or other security has not been so recorded before the date of the said feu contract, the date of recording such bond and assignation in security or other security in the Register of Sasines.
- (3) Any securities which by virtue of this section burden the *dominium utile* of any subjects and any *ex facie* absolute disposition of those subjects granted in accordance with the provisions of paragraph (d) of section fourteen of this Act shall be entitled to the same preferences inter se as if a feu right of those subjects had not been granted, and the creditors in right of securities which by virtue of this section burden the *dominium utile* of any subjects shall, in regard to the said subjects, be entitled to all the remedies competent to creditors holding corresponding securities over property held in feu farm for recovery of the sums due to them.

---

*Status: This is the original version (as it was originally enacted).*

---

- (4) Where a feu right of any subjects is granted under this Part of this Act, any bond and disposition in security or other heritable security which immediately prior to such grant burdened the interest of the landlord in the said subjects shall, as from the date of the feu contract disposing the subjects, burden only the superiority and not the *dominium utile* thereof, and the creditors in right of such securities shall, in regard to the said subjects, be entitled to all the remedies competent to creditors holding corresponding securities over an estate of superiority for recovery of the sums due to them.
- (5) Where a feu right of any subjects is granted under this Part of this Act, any securities which immediately prior to such grant burdened the interest of an intermediate landlord shall, on the date of the feu contract disposing the said subjects, cease to burden such interest to the extent that such interest relates to the subjects and shall not burden or affect those subjects, but save as aforesaid such securities shall continue in full force and effect.
- (6) Any reference in this section to the date of a feu contract shall, in relation to a feu contract executed, on more than one date, be construed as a reference to the date on which such feu contract was last executed.