



Conveyancing (Scotland) Act 1924

1924 CHAPTER 27

26 Heritable creditors' remedies for recovery of feuduties and ground-annuals

Where the security subjects in a bond and disposition in security, whether granted before or after the commencement of this Act, consist of or include one or more superiorities or one or more ground-annuals, the creditor, provided his title to the debt and security be complete and the debtor be in default in payment of principal or interest, may raise an action against the superior or person in right of the ground-annual, concluding for declarator that he has right to the feu-duties and casualties or ground-annuals and grassums payable to such superior or person, and may give notice by registered letter signed by the creditor or his law agent of the raising of such action to the vassals or the proprietors of the land, from which such ground-annuals are payable, and from and after the date when such notice is received by them they shall be interpellated from making payment of the feu-duties, including duplicands or other multiples thereof, and casualties or ground-annuals and grassums, or additional feu-duties or ground-annuals constituted in lieu of such duplicands or other multiples, casualties and grassums, to the superior or person in right of the ground-annuals, and any payment thereafter made by them to such superior or person shall be of no effect in a question with the creditor in the event of his obtaining decree; and upon intimation of the decree obtained in such action to the vassals or proprietors of the land by registered letter signed by the creditor or his law agent, they shall make payment to the creditor of the feu-duties including duplicands or other multiples thereof and casualties or ground-annuals and grassums, and failing their doing so the creditor shall be entitled to recover the same in the same manner and subject to the same defences on the part of the vassals or proprietors of the land as if he were the superior or person in right of the ground-annuals duly infeft, and subject to accounting therefor to the superior or person in right of the ground-annuals, and payment to the creditor shall "be a complete exoneration and discharge to such vassals Or proprietors; and the action and the notice thereof and the intimation of the decree may be in or as nearly as may be in the forms, with the necessary modifications, authorised by section three of the Heritable Securities (Scotland) Act, 1894, and contained in Schedules A, B and C to that Act as modified by the Sheriff Courts (Scotland) Act, 1907, and Acts amending the same: Provided that such action may be combined with an action for recovery of maills and duties and that nothing in this section contained shall deprive the creditor

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

of any existing remedy competent to him for recovering such feu-duties, duplicands, multiples and casualties or ground-annuals and grassums.