



Feudal Casualties (Scotland) Act 1914

1914 CHAPTER 48

5 Compensation for redemption of casualties

- (1) The compensation payable on the redemption of casualties under this Act shall (failing agreement) be fixed as follows :—
- (a) In cases where casualties are exigible on the death of the vassal the compensation shall be such sum as will, with the addition of simple interest at the rate of four per cent. per annum, produce one and a half times the highest casualty on the arrival of the time at which the next casualty might be expected to become exigible : Provided that, if at the date as at which compensation is to be fixed, and after payment of such casualty (if any) as may then be exigible, the state of the title is such that the next casualty may be relief, and the amount of such relief is less than the amount which would be payable as composition, the compensation shall be fixed on the assumption that the next casualty will be payable on the expiry of the period of twenty-five years from the date as at which compensation is to be fixed, or otherwise on the arrival of the time when the next casualty might be expected to become exigible, whichever period is the greater :
 - (b) In cases where casualties are exigible on the occasion of each sale or transfer of the property as well as on the death of the vassal, the compensation shall be such sum as will, with the addition of simple interest at the rate of four per cent. per annum, produce two and a half times the highest casualty on the arrival of the time at which the next casualty might be expected to become exigible : Provided that, if at the date as at which compensation is to be fixed and after payment of such casualty (if any) as may then be exigible, the state of the title is such that the next casualty may be relief, and the amount of such relief is less than the amount which would be payable as composition, the compensation shall be fixed on the assumption that the next casualty will be payable on the expiry of the period of fifteen years from the date as at which compensation is to be fixed, or otherwise on the arrival of the time when the next casualty might be expected to become exigible, whichever period is greater:
 - (c) In cases where casualties are payable in terms of section five of the principal Act at fixed and regularly recurring intervals the compensation shall be such sum as will, with the addition of simple interest at the rate of four per cent. per annum, produce on the next recurrence of the fixed interval one and a half

times the highest casualty when such interval is twenty-five years, and two and a half times the highest casualty when such interval is fifteen years :

- (d) In cases where casualties are payable in virtue of the terms and conditions of the feu at fixed and regularly recurring intervals the compensation shall be such sum as will, with the addition of simple interest at the rate of four per cent. per annum, produce on the next recurrence of the fixed interval a sum representing thirty-seven and a half times the highest casualty divided by the number of years constituting such interval:
 - (e) In cases where casualties consist of sums calculated on the footing of an annual sum being paid for each year from the date of the last entry the compensation shall be such sum as will, with the addition of simple interest at the rate of four per cent. per annum, produce, on the arrival of the time at which the next casualty might be expected to become exigible, a sum equal to the aggregate of (a) the amount of such annual sum multiplied by eighteen, and (b) the amount of such annual sum multiplied by the number of the years which would elapse between the payment of the last casualty and the time at which the next casualty might be expected to become exigible, but such compensation shall not in any case exceed the aggregate amount which would have been payable under the provisions of section fifteen of the principal Act upon and before the redemption of a similar casualty in the like circumstances :
 - (f) In cases where a casualty of fixed amount is exigible on the occasion of each sale or transfer of the property as well as on the death of the vassal, but the terms and conditions of the feu provide that a lower amount shall be payable in the event of the vassal last entered with the superior being alive, the compensation shall, in the option of the superior, be either the compensation payable in terms of paragraph (a) of this subsection based on such higher amount as being for the purpose of that paragraph the highest casualty, or the compensation payable in terms of paragraph (b) of this subsection based on such lower amount as being for the purpose of that paragraph the highest casualty ; but the provisoes in paragraphs (a) and (b) shall not apply to cases under this paragraph.
- (2) The compensation payable on the redemption of casualties under this Act shall (failing agreement) be fixed as at the date of notice given in terms of section eleven of this Act, and shall bear interest at the rate of four per cent. per annum from such date until paid, or converted into an annual sum in terms of section nine of this Act: Provided that if before any such notice has been given any casualty shall be or become due, and payment thereof be either demanded or tendered, compensation shall be fixed as at the date of such demand or tender as if notice had been given as on such last-mentioned date, and shall bear interest thereafter as above provided.