



Titles to Land Consolidation (Scotland) Act 1868

1868 CHAPTER 101 31 and 32 Vict

3 Interpretation of terms.

The following words and expressions in this Act, and in the schedules annexed to this Act, shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,

[^{F1}The words “grantor”,] “grantee,” “disponer,” “disponee,” “legatee,” “adjudger,” and “purchaser” shall extend to and include the heirs, successors, and representatives of [^{F1}such grantor], grantee, disponer, disponee, legatee, adjudger, or purchaser respectively; and the word “successors” shall extend to and include heirs, disponees, assignees legal as well as voluntary, executors, and representatives:

^{F2}

The words “Sheriff of Chancery” shall extend to and include the Sheriff of Chancery and his substitute under this Act, or under the Act of the tenth and eleventh Victoria, chapter forty-seven; and the word “Sheriff” shall extend to and include [^{F3}the Sheriff Principal ^{F4}... of any sheriffdom ^{F4}... and the Sheriff] and the Sheriff of Chancery and his substitute:

The words “Sheriff Clerk of Chancery” shall extend to and include the Sheriff Clerk of Chancery acting under this Act, or who acted under the ^{M1}Act of the tenth and eleventh Victoria, chapter forty-seven, and the depute of such Sheriff Clerk; and the words “Sheriff Clerk” shall extend to and include the Sheriff Clerk of Chancery and [^{F5}the Sheriff Clerk ^{F4}... of the sheriff court district concerned]^{F4}... and their respective deputies:

^{F6}... the word “Prince” shall extend to and include the Prince and Steward of Scotland and his successors:

^{F6} ...

The word “deed” and the word “conveyance” shall each extend to and include all ^{F6}... writs, dispositions, ^{F6}... whether inter vivos or mortis causa, and whether absolute or in trust, ^{F6}... heritable securities, reversions, assignations, instruments, decrees of constitution relating to land to be afterwards adjudged,

Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868, Section 3 is up to date with all changes known to be in force on or before 04 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

decrees of adjudication for debt, and of adjudication in implement, and of constitution and adjudication combined, whether for debt or implement, decrees of declarator and adjudication, decrees of sale, and decrees of general and of special service ^{F6}... and the summonses, petitions, or warrants on which any such decrees proceed, warrants to judicial factors, trustees, or beneficiaries of a lapsed trust, to make up titles to lands, and the petitions on which such warrants proceed, writs of acknowledgment, contracts of excambion, deeds of entail ^{F6}... and all deeds, decrees, and writings by which lands, or rights in lands, are constituted or completed or conveyed, or discharged, whether dated, granted, or obtained before or after the passing of this Act, and official extracts of all deeds and conveyances; and all codicils, deeds of nomination, and other writings annexed to or endorsed on deeds or conveyances or bearing reference to deeds or conveyances separately granted, and decrees of declarator naming or appointing persons to exercise or enjoy the rights or powers conferred by such deeds or conveyances, shall be deemed and taken for the purposes of this Act to be parts of the deeds or conveyances to which they severally relate, and shall have the same effect in all respects as to the persons so named and appointed as if they had been named and appointed in the deeds or conveyances themselves:

^{F6}
...

The word “instrument” shall extend to and include all notarial instruments ^{F6}... and also all instruments of sasine, instruments of resignation ad remanentiam, instruments of resignation and sasine, and instruments of cognition and sasine, and instruments of cognition:

The words “heritable security” and “security” shall each extend to and include all heritable bonds, bonds and dispositions in security, bonds of annual rent, bonds of annuity, and all securities authorized to be granted by the seventh section of the ^{M2}Debts Securities (Scotland) Act 1856, and all deeds and conveyances whatsoever, legal as well as voluntary, which are or may be used for the purpose of constituting or completing or transmitting a security over lands or over the rents and profits thereof, as well as such lands themselves and the rents and profits thereof, and the sums, principal, interest, and penalties secured by such securities, but shall not include securities by way of ground annual, whether redeemable or irredeemable, or absolute dispositions qualified by back bonds or letters:

The word “creditor” shall extend to and include the party in whose favour an heritable security is granted, and his successors in right thereof:

The word “debtor” shall include the debtor and his successors:

The word “lands” shall extend to and include all heritable subjects, securities, and rights:

The words “notary public” shall be held to mean a notary public duly admitted to practise in Scotland:

The word “petitioner” shall extend to and include any person who may have presented or may present a petition within the meaning of this Act, or of any Act hereby repealed:

The words “judicial factor” shall extend to and include judicial factors ^{F7}... to persons under incapacity, ^{F8}..., factors loco absentis, and all judicial managers:

^{F6}
...

Changes to legislation: *Titles to Land Consolidation (Scotland) Act 1868, Section 3 is up to date with all changes known to be in force on or before 04 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

- F1** Words in s. 3 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(2)(a)(b) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F2** Definition repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)
- F3** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4(2), **Sch. para. 1**
- F4** Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)
- F5** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27**, Pt. I para. 1(3)
- F6** Words in s. 3 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(2)(c)-(h), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F7** S. 3: words in definition of “judicial factor” repealed (1.4.2002) by 2000 asp 4, s. 88(3), **Sch. 6**; S.S.I. 2001/81, art. 3, **Sch. 2**
- F8** Words in s. 3 repealed (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\)](#), ss. 10(2), 11(2), **Sch. 2** (with s. 1(3))

Marginal Citations

- M1** 1847 c. 10.
- M2** 1856 c. 91.

Changes to legislation:

Titles to Land Consolidation (Scotland) Act 1868, Section 3 is up to date with all changes known to be in force on or before 04 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 3 words inserted by [2007 asp 3 Sch. 5 para. 3\(a\)](#)
- s. 3 words inserted by [2007 asp 3 Sch. 5 para. 3\(b\)](#)
- s. 3 words repealed by [2007 asp 3 Sch. 6 Pt. 1](#)