



Conveyancing (Scotland) Act 1874

1874 CHAPTER 94

34 Title and period of prescription

Any ex facie valid irredeemable title to an estate in land recorded in the appropriate register of sasines shall be sufficient foundation for prescription, and possession following on such recorded title for the space of twenty years continually and together, and that peaceably, without any lawful interruption made during the said space of twenty years, shall, for all the purposes of the Act of the Parliament of Scotland, 1617, c. 12, " Anent prescription of heritable " rights," be equivalent to possession for forty years by virtue of heritable infestments for which charters and instruments of sasine or other sufficient titles are shown and produced, according to the provisions of the said Act; and if such possession as aforesaid following on an ex facie valid irredeemable title recorded as aforesaid shall have continued for the space of thirty years no deduction or allowance shall be made on account of the years of minority or less age of those against whom the prescription is used and objected, or of any period during which any person against whom prescription is used or objected was under legal disability. This enactment shall have no application to, and shall not be construed so as to alter or affect, the existing law relating to the character or period of the possession, use, or enjoyment necessary to constitute, or prove the existence of any servitude or of any public right of way or other public right, and shall not be pleadable to any effect in any action in dependence at the commencement of this Act, or which shall be commenced prior to the first day of January one thousand eight hundred and seventy-nine: Provided always, that the possession for any space of time prior to the first day of January one thousand eight hundred and seventy-nine shall not have effect for the purposes of this section unless such space of time immediately preceded and was continuous up to the said first day of January.