



# Tenures Abolition Act 1746

1746 CHAPTER 50 20 Geo 2

[<sup>F15</sup> **Court of Session to settle the recompense, and publish an act of sederunt, and determine differences in a summary way. E+W+S**

And in order to ascertain the quantum of the feu duty to be paid yearly, after the said twenty-fifth day of March, by the tenants of vassals of the said lands and heretages heretofore held ward to the superiors thereof, it shall and may be lawful for the Court of Session in Scotland, and they are hereby impowered and required to take into their consideration the difference in value to the vassals of the change of their holdings or tenures from ward to feu hereby enacted, and what constant annual rent or feu duty, payable to the superior, will be a reasonable satisfaction or recompense for that value or difference, and thereupon to make and publish an act of sederunt, which shall be in force, and observed by all the subjects in that part of the kingdom, unless or until the same shall be altered by a future Act of Parliament; and according to the rules prescribed in such act of sederunt, it shall and may be lawful for all and every the superiors and vassals, or parties interested, to settle and adjust betwixt themselves the feu duties to be hereafter payable in place of the tenures hereby abolished or altered; and in case of difference arising, it shall and may be lawful for the said Court of Session, upon application made to them by bill or petition, on behalf of or by any subject superior of such lands or heretages, or by the vassals or proprietors thereof, summarily to determine the quantum of the said annual feu duty, such as the court shall judge to be a reasonable and equitable recompense to the superior, for the change of the holding hereby enacted, after having heard both parties, or summoned the party called as defender, upon twenty-one days notice; and whatever annual payment the said Court of Session shall so modify, shall be the feu duty payable for such lands and heretages as aforesaid, to the respective superiors thereof, and all and singular their heirs and successors, and that yearly at Whitsunday, from and after the said twenty-fifth day of March, when the change of holding is hereby enacted to take place, in the same manner as if feu charters had been granted of that date to the respective vassals upon their resignation, containing such change of holding, for payment of the annual feu duties so to be modified.]

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**Changes to legislation:** *Tenures Abolition Act 1746, Section 5 is up to date with all changes known to be in force on or before 20 June 2024. 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*

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### Textual Amendments

- F1** [S. 5](#) repealed by [Statute Law Revision Act 1867 \(c. 59\)](#) but reproduced for the purpose of construing the remaining provisions of the Act

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[View outstanding changes](#)

**Commencement Orders yet to be applied to the Tenures Abolition Act 1746**

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2003/456 art. 2 commences \(2000 asp 5\)](#)