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Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

ABOLITION OF FEUDAL TENURE ETC. (SCOTLAND) ACT 2000

PART 1

ABOLITION OF FEUDAL TENURE

- 1 Abolition on appointed day
- 2 Consequences of abolition
- 3 Amendment of Land Registration (Scotland) Act 1979

PART 2

LAND TRANSFERS ETC. ON AND AFTER APPOINTED DAY

- 4 Ownership of land
- 5 Form of application for recording deed in Register of Sasines
- 6 Deduction of title for unregistered land etc.

PART 3

FEUDUTIES

Extinction of feuduties

- 7 Extinction on appointed day
- 8 Requiring compensatory payment
- 9 Calculation of amount of compensatory payment
- 10 Making compensatory payment by instalments
- 11 Service under section 8(1)
- 12 Extinction by prescription of requirement to make compensatory payment

Arrears

- 13 Arrears of feuduty etc.

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Disclosure

- 14 Duty of collecting third party to disclose information
- 15 Duty to disclose identity etc. of former vassal

Interpretation

- 16 Interpretation of Part 3

PART 4

REAL BURDENS

Extinction of superior's rights

- 17 Extinction of superior's rights

Reallotment etc.

- 18 Reallotment of real burden by nomination of new dominant tenement
- 18A Personal pre-emption burdens and personal redemption burdens
- 18B Conversion into economic development burden
- 18C Conversion into health care burden
- 19 Reallotment of real burden by agreement
- 20 Reallotment of real burden by order of Lands Tribunal
- 21 Manner of dealing with application under section 20
- 22 Amendment of Tribunals and Inquiries Act 1992
- 23 Reallotment of real burden affecting facility of benefit to other land etc.
- 24 Interest to enforce real burden
- 25 Counter-obligations on reallotment

Conservation burdens

- 26 Conservation bodies
- 27 Notice preserving right to enforce conservation burden
- 27A Nomination of conservation body or Scottish Ministers to have title to enforce conservation burden
- 28 Enforcement of conservation burden
- 28A Effect of section 27A nomination
- 29 Assignment of right to conservation burden
- 30 Deduction of title for conservation burden
- 31 Extinction of burden on body ceasing to be conservation body
- 32 No standard security over conservation burden

Compensation

- 33 Notice reserving right to claim compensation where land subject to development value burden
- 34 Transmissibility of right to claim compensation[j074.doc]
- 35 Claiming compensation
- 36 Service under section 35(3)
- 37 Amount of compensation
- 38 Duty to disclose identity of owner
- 39 The expression "owner" for purposes of sections 35 to 38
- 40 Assignment, discharge, or restriction, of reserved right to claim compensation

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Miscellaneous

- 41 Notices: pre-registration requirements etc.
- 42 Further provision as respects sections 18 to 20, 27 and 33
- 43 Notices and agreements under certain sections: extent of Keeper's duty
- 44 Referral to Lands Tribunal of notice dispute
- 45 Circumstances where certain notices may be registered after appointed day
- 46 Duties of Keeper: amendments relating to the extinction of certain real burdens
- 47 Extinction of counter-obligation
- 48 No implication as to dominant tenement where real burden created in grant in feu

Interpretation

- 49 Interpretation of Part 4

PART 5

ENTAILS

- 50 Disentailment on appointed day
- 51 Compensation for expectancy or interest of apparent or other nearest heir in an entailed estate
- 52 Closure of Register of Entails

PART 6

MISCELLANEOUS

Discharge of certain rights and extinction of certain obligations and payments

- 53 Discharge of rights of irritancy
- 54 Extinction of superior's rights and obligations qua superior
- 55 Abolition of thirlage
- 56 Extinction etc. of certain payments analogous to feuduty
- 57 Extinction by prescription of obligation to pay redemption money for feuduty, ground annual etc.

The Crown, the Lord Lyon and Barony

- 58 Crown application
- 59 Crown may sell or otherwise dispose of land by disposition
- 60 Preserved right of Crown to maritime burdens
- 61 Mines of gold and silver
- 62 Jurisdiction and prerogative of Lord Lyon
- 63 Baronies and other dignities and offices

Kindly Tenants of Lochmaben

- 64 Abolition of Kindly Tenancies

Miscellaneous

- 65 Creation of proper liferent
- 65A Sporting rights
- 66 Obligation to make title deeds and searches available

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- 67 Prohibition on leases for periods of more than 175 years
- 68 Certain applications to Sheriff of Chancery
- 69 Application of 1970 Act to earlier forms of heritable security
- 70 Ownership of land by a firm

PART 7

GENERAL

- 71 The appointed day
- 72 Interpretation
- 73 Feudal terms in enactments and documents: construction after abolition of feudal system
- 74 Orders, regulations and rules
- 75 Saving for contractual rights
- 76 Minor and consequential amendments, repeals and power to amend or repeal enactments
- 77 Short title and commencement

SCHEDULE 1 — FORM OF NOTICE REQUIRING COMPENSATORY PAYMENT ETC.: *CUMULO* FEUDUTY

SCHEDULE 2 — FORM OF NOTICE REQUIRING COMPENSATORY PAYMENT ETC.: ORDINARY CASE

SCHEDULE 3 — FORM OF INSTALMENT DOCUMENT

SCHEDULE 4 — PROCEDURES AS TO SERVICE UNDER SECTION 8(1)

FORM A

“I, [name of former vassal], acknowledge receipt of a notice...

FORM B

“Notice under section 8(1) of the Abolition of Feudal Tenure...

SCHEDULE 5 — FORM OF NOTICE PROSPECTIVELY NOMINATING DOMINANT TENEMENT

NOTICE PROSPECTIVELY NOMINATING DOMINANT TENEMENT Superior: (see note for completion...

Notes for completion of the notice

- 1 Insert name and address of superior.
- 2 Describe the land in a way that is sufficient to...
- 3 Insert one or more of the following: “The dominant tenement...
- 4 Specify by reference to the appropriate Register the deed or...
- 5 Where the title has been registered in the Land Register...
- 6 Do not complete until a copy of the notice has...
- 7 The superior should not swear or affirm, or sign, until...

SCHEDULE 5A — Form of notice prospectively converting real burden into personal pre-emption burden or personal redemption burden

Notice prospectively converting real burden into personal pre-emption burden...

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Explanatory Note

(This explanation has no legal effect)
This notice is sent by your feudal superior. In this...
By this notice the feudal superior asserts that at present...
If you think that there is a mistake in this...

Notes for completion of the notice

- (These notes have no legal effect)
- 1 Insert name and address of superior.
 - 2 Describe the land in a way that is sufficient to...
 - 3 Specify by reference to the appropriate Register the deed or...
 - 4 Where the title has been registered in the Land Register...
 - 5 Do not complete until a copy of the notice has...
 - 6 The superior should not swear or affirm, or sign, until...

SCHEDULE 5B — Form of notice prospectively converting real burden into economic development burden
Notice prospectively converting real burden into economic development burden...

Explanatory Note

(This explanation has no legal effect)
This notice is sent by your feudal superior; that is...
By this notice the feudal superior asserts that at present...
If you think that there is a mistake in this...

Notes for completion of the notice

- (These notes have no legal effect)
- 1 Insert “ the Scottish Ministers ” or as the case...
 - 2 Describe the land in a way that is sufficient to...
 - 3 Specify by reference to the appropriate Register the deed or...
 - 4 Where the title has been registered in the Land Register...
 - 5 Do not complete until a copy of the notice has...

SCHEDULE 5C — Form of notice prospectively converting real burden into health care burden
Notice prospectively converting real burden into health care burden...

Explanatory Note

(This explanation has no legal effect)
This notice is sent by your feudal superior; that is...
By this notice the feudal superior asserts that at present...
If you think that there is a mistake in this...

Notes for completion of the notice

- (These notes have no legal effect)
- 1 Insert “ the Scottish Ministers ” or as the case...
 - 2 Describe the land in a way that is sufficient to...
 - 3 Specify by reference to the appropriate Register the deed or...
 - 4 Where the title has been registered in the Land Register...

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5 Do not complete until a copy of the notice has...

SCHEDULE 6 — FORM OF NOTICE SEEKING AGREEMENT TO THE
PROSPECTIVE NOMINATION OF A DOMINANT
TENEMENT

NOTICE SEEKING AGREEMENT TO PROSPECTIVE
NOMINATION OF DOMINANT TENEMENT Superior:...

Notes for completion of the notice

- 1 Insert name and address of superior.
- 2 Insert name and address of person who has the feudal...
- 3 Specify by reference to the appropriate Register the deed or...
- 4 Where the title has been registered in the Land Register...
- 5 Do not complete until a copy of the notice has...

SCHEDULE 7 — FORM OF NOTICE INTIMATING APPLICATION TO LANDS
TRIBUNAL UNDER SECTION 20(1)

NOTICE INTIMATING APPLICATION TO LANDS TRIBUNAL
UNDER SECTION 20(1) OF...

Notes for completion of the notice

- 1 Insert name and address of superior.
- 2 Describe the land in a way that is sufficient to...
- 3 Specify by reference to the Register the deed or deeds...
- 4 The superiority referred to in the box “Title to the...
- 5 Set out in full the description which was, in pursuance...
- 6 Insert either: “The applicant has sent a copy of this...
- 7 The superior should not swear or affirm, or sign, until...

SCHEDULE 8 — FORM OF NOTICE PRESERVING CONSERVATION BODY’S
OR SCOTTISH MINISTERS’ RIGHT TO REAL BURDEN

NOTICE PRESERVING CONSERVATION BODY’S OR SCOTTISH
MINISTERS’ RIGHT TO REAL...

Notes for completion of the notice

- 1 In the case of a conservation body, insert the year...
- 2 Describe the land in a way that is sufficient to...
- 3 Specify by reference to the appropriate Register the deed or...
- 4 Where the title has been registered in the Land Register...
- 5 Do not complete until a copy of the notice has...
- 6 The notice should not be signed until a copy of...

SCHEDULE 8A — Form of notice nominating conservation body or Scottish
Ministers to have title to enforce real burden
Notice nominating conservation body or Scottish Ministers to have...

Explanatory note

(This explanation has no legal effect)
This notice is sent by your feudal superior.
At present the use of your property is subject to...
If you think there is a mistake in this notice...

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Notes for completion of the notice

(These notes have no legal effect)

- 1 In the case of a conservation body, insert the year...
- 2 Describe the land in a way that is sufficient to...
- 3 Specify by reference to the appropriate Register the deed or...
- 4 Where the title has been registered in the Land Register...
- 5 Where the title has not been registered in the Land...
- 6 Do not complete until a copy of the notice has...
- 7 The notice should not be signed by the superior until...
- 8 The nominee should sign, so as to indicate consent, before...

SCHEDULE 9 — FORM OF NOTICE RESERVING RIGHT TO
COMPENSATION IN RESPECT OF EXTINCTION OF
DEVELOPMENT VALUE BURDEN
NOTICE RESERVING RIGHT TO COMPENSATION IN RESPECT
OF EXTINCTION OF...

Notes for completion of notice

- 1 Insert name and address of superior.
- 2 Describe the land in a way that is sufficient to...
- 3 Specify by reference to the appropriate Register the deed or...
- 4 State that the burden reserves the development value. Section 33(5)...
- 5 Where the title has been registered in the Land Register...
- 6 Specify by reference to the appropriate Register the writ granting...
- 7 State the amount by which the consideration was reduced because...
- 8 Do not complete until a copy of the notice has...
- 9 The superior should not swear or affirm, or sign, until...

SCHEDULE 10 — PROCEDURES AS TO SERVICE UNDER SECTION 35(3)
FORM A

“I [name of owner] acknowledge receipt of a notice under...

FORM B

“Notice under section 35(3) of the Abolition of Feudal Tenure...

SCHEDULE 11 — FORM OF ASSIGNATION, DISCHARGE OR RESTRICTION
OF RESERVED RIGHT TO CLAIM COMPENSATION
ASSIGNATION [OR DISCHARGE OR RESTRICTION] OF
RESERVED RIGHT TO CLAIM...

SCHEDULE 11A — Form of notice prospectively converting sporting rights into
tenement in land

Notice prospectively converting sporting rights into tenement in
land...

Explanatory note

(This explanation has no legal effect)

This notice is sent by your feudal superior.

By it the feudal superior asserts that at present your...

The notice, if it is registered in the Land Register...

If you think there is a mistake in this notice...

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Notes for completion of the notice

(These notes have no legal effect)

- 1 Insert name and address of superior.
- 2 Describe the land in a way that is sufficient to...
- 3 Specify by reference to the appropriate Register the deed or...
- 4 Where the title has been registered in the Land Register...
- 5 Do not complete until a copy of the notice has...
- 6 The notice should not be signed by the superior until...

SCHEDULE 12 — MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1 — MINOR AND CONSEQUENTIAL AMENDMENTS:

GENERAL

- 1 *Mines and Metals Act 1592 (c.31) (Act of the Parliaments of Scotland)*
- 2 *Redemptions Act 1661 (c.247) (Act of the Parliaments of Scotland)*
- 3 *Real Rights Act 1693 (c.22) (Act of the Parliaments of Scotland)*
- 4 *Lands Clauses Consolidation (Scotland) Act 1845 (c.19)*
- 5 *Entail Amendment Act 1848 (c.36)*
- 6 *Registration of Leases (Scotland) Act 1857 (c.26)*
- 7 *Land Registers (Scotland) Act 1868 (c.64)*
- 8 *Titles to Land Consolidation (Scotland) Act 1868 (c.101)*
- 9 *Conveyancing (Scotland) Act 1874 (c.94)*
- 10 *Writs Execution (Scotland) Act 1877 (c.40)*
- 11 *Conveyancing (Scotland) Acts (1874 and 1879) Amendment Act 1887 (c.69)*
- 12 *Military Lands Act 1892 (c.43)*
- 13 *Heritable Securities (Scotland) Act 1894 (c.44)*
- 14 *Entail (Scotland) Act 1914 (c.43)*
- 15 *Conveyancing (Scotland) Act 1924 (c.27)*
- 16 *Church of Scotland (Property and Endowments) Act 1925 (c.33)*
- 17 *Church of Scotland (Property and Endowments) Amendment Act 1933 (c.44)*
- 18 *Conveyancing Amendment (Scotland) Act 1938 (c.24)*
- 19 *National Parks and Access to the Countryside Act 1949 (c.97)*
- 20 *Town and Country Planning (Scotland) Act 1954 (c.73)*
- 21 *Land Powers (Defence) Act 1958 (c.30)*
- 22 *Opencast Coal Act 1958 (c.69)*
- 23 *Caravan Sites and Control of Development Act 1960 (c.62)*
- 24 *Flood Prevention (Scotland) Act 1961 (c.41)*
- 25 *Land Compensation (Scotland) Act 1963 (c.51)*
- 26 *Local Government (Development and Finance)(Scotland) Act 1964 (c.67)*
- 27 *Forestry Act 1967 (c.10)*
- 28 *Countryside (Scotland) Act 1967 (c.86)*
- 29 *Countryside Act 1968 (c.41)*
- 30 *Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35)*
- 31 *Agriculture Act 1970 (c.40)*
- 32 *Housing (Financial Provisions) (Scotland) Act 1972 (c.46)*
- 33 *Prescription and Limitation (Scotland) Act 1973 (c.52)*
- 34 Paragraph 33(1) and (5)(a) of this schedule, and the provisions...
- 35 *Land Compensation (Scotland) Act 1973 (c.56)*
- 36 *Offshore Petroleum Development (Scotland) Act 1975 (c.8)*
- 37 *Scottish Development Agency Act 1975 (c.69)*

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- 38 *Aircraft and Shipbuilding Industries Act 1977 (c.3)*
- 39 *Land Registration (Scotland) Act 1979 (c.33)*
- 40 *Ancient Monuments and Archaeological Areas Act 1979 (c.46)*
- 41 *Education (Scotland) Act 1980 (c.44)*
- 42 *Water (Scotland) Act 1980 (c.45)*
- 43 *British Telecommunications Act 1981 (c.38)*
- 44 *Mobile Homes Act 1983 (c.34)*
- 45 *Roads (Scotland) Act 1984 (c.54)*
- 46 *Companies Act 1985 (c.6)*
- 47 *Housing Associations Act 1985 (c.69)*
- 48 *Housing (Scotland) Act 1987 (c.26)*
- 49 *Consumer Protection Act 1987 (c.43)*
- 50 *Income and Corporation Taxes Act 1988 (c.1)*
- 51 *Capital Allowances Act 1990 (c.1)*
- 52 *Enterprise and New Towns (Scotland) Act 1990 (c.35)*
- 53 *Natural Heritage (Scotland) Act 1991 (c.28)*
- 54 *Coal Mining Subsidence Act 1991 (c.45)*
- 55 *Crofters (Scotland) Act 1993 (c.44)*
- 56 *Coal Industry Act 1994 (c.21)*
- 57 *Value Added Tax Act 1994 (c.23)*
- 58 *Requirements of Writing (Scotland) Act 1995 (c.7)*
- 59 *Atomic Energy Authority Act 1995 (c.37)*
- 60 *Town and Country Planning (Scotland) Act 1997 (c.8)*
- 61 *Finance Act 1999 (c.16)*

PART 2 — MINOR AND CONSEQUENTIAL AMENDMENTS
RELATING TO THE NATIONAL TRUST FOR SCOTLAND

- 62 *National Trust for Scotland Order Confirmation Act 1935 (c.ii)*
- 63 *National Trust for Scotland Order Confirmation Act 1947 (c.xxxviii)*

SCHEDULE 13 — REPEALS

PART 1 — REPEALS: GENERAL

PART 2 — REPEALS RELATING TO THE NATIONAL TRUST FOR
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