

*These notes relate to the Abolition of Feudal Tenure etc. (Scotland)  
Act 2000 (asp 5) which received Royal Assent on 14 July 2000*

# **ABOLITION OF FEUDAL TENURE ETC. (SCOTLAND) ACT 2000**

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## **EXPLANATORY NOTES**

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#### *Commentary on Sections*

#### **Part 3: Feuduties**

#### *Section 11: Service under section 8(1)*

53. This section sets out the rules for service of a notice (and instalment document). Service of a notice constitutes the debt and triggers liability for payment. It is also the starting point for negative prescription (see section 12 - extinction by prescription of requirement to make compensatory payment).
54. *Subsection (1)* along with subsection (5) sets out the normal rule for service. Service on each former vassal is required either personally or by registered post or recorded delivery to that person's place of residence, place of business, or a postal address which that person ordinarily uses or that person's most recently known such address. Where the land is owned in common, there should be separate service on each *pro indiviso* owner.
55. *Subsection (2)* provides that a signed acknowledgement by the former vassal will be evidence that he has received the documents. Alternatively a certificate accompanied by the postal receipt where they are sent by registered post or the recorded delivery service will suffice. If the documents are sent by post but are returned to the former superior because they could not be delivered, they may be sent on to the Extractor of the Court of Session, and that will be equivalent to serving the vassal with the documents.
56. *Subsection (4)* defines the date of service as the date of delivery or of posting in compliance with subsection (1) or (2).