

Status: Point in time view as at 28/11/2004.

Changes to legislation: Abolition of Feudal Tenure etc. (Scotland) Act 2000, Paragraph 4 is up to date with all changes known to be in force on or before 27 September 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)

SCHEDULE 12 MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

MINOR AND CONSEQUENTIAL AMENDMENTS: GENERAL

Lands Clauses Consolidation (Scotland) Act 1845 (c.19)

- 4 (1) The Lands Clauses Consolidation (Scotland) Act 1845 shall be amended in accordance with this paragraph.
- (2) In section 7 (parties under disability enabled to sell and convey), the words “heirs of entail,” “estate or,” “married women seised in their own right or entitled to terce or dower, or any other right or interest, husbands,” “or feoffees,” “and as to such married women as if they were sole,” and, in the last two places where they occur, “married women,” shall cease to have effect.
- (3) In section 8 (parties under disability may exercise other powers), the words from “power herein” to “therewith, and the” and, in both places where they occur, “feu duties, ground annuals,” shall cease to have effect.
- (4) Sections 10 (where vendor absolutely entitled, lands may be sold on feu duties, &c.) and 11 (provisions incidental to section 10) shall cease to have effect.
- (5) In section 12 (power to purchase lands required for additional accommodation), the word “, feu,” in both places where it occurs, shall cease to have effect.
- (6) In section 67 (purchase money payable to parties under disability to be deposited in bank), the words “heir of entail,” “married woman seised in her own right or entitled to terce or dower or any other right or interest, husband,” “on the same heirs, or,” “, or affecting succeeding heirs of entail in any such lands, whether imposed and constituted by the entailer, or in virtue of powers given by the entail, or in virtue of powers conferred by any Act of Parliament” and “same heirs, and the” shall cease to have effect.
- (7) In each of sections 69 (sums to be deposited, or paid to trustees) and 70 (sums to be paid to parties), the word “coverture,” and the word “husbands,” shall cease to have effect.
- (8) Section 73 (special provision for lands to be held under entail etc.) shall cease to have effect.
- (9) In each of sections 74 (completion of title on deposit of purchase money or compensation) and 76 (further provision in that regard), for the word “estate” substitute “right”.
- (10) In section 77 (application of money deposited), for the word “estates” substitute “rights”.
- (11) In section 79 (expenses in cases of money deposited), the words “feu or” and “, and of re-entailing any of such lands,” shall cease to have effect.
- (12) In section 80 (form of conveyances)—

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- (a) the words “feus and”, in both places where they occur, shall cease to have effect;
 - (b) for the words “the Schedules (A.) and (B.) respectively” substitute “Schedule (A.)”; and
 - (c) the words “the particular register of sasines kept for the county, burgh, or district in which the lands are locally situated, or in”, “for Scotland kept at Edinburgh, within sixty days from the last date thereof, which the respective keepers of the said registers are hereby authorized and required to do,”, “feudal” and from “: Provided always” to the end shall cease to have effect.
- (13) In section 93 (proceedings in regard to lands in commonty etc.), the words “; and if such lands be part of a barony a like notice shall be given to the superior or baron” shall cease to have effect.
- (14) In section 100 (deposit of money on refusal to accept redemption), for the word “estate” substitute “right”.
- (15) In the preamble to sections 107 to 111, the words “any feu duty, ground annual, casualty of superiority, or” shall cease to have effect.
- (16) In section 109 (discharge of part of lands from charge), the words “such feu duty, ground annual, casualty of superiority, or any” shall cease to have effect.
- (17) In section 110 (deposit in case of refusal to discharge), the words “feu duty, ground annual, casualty of superiority,” shall cease to have effect.
- (18) In section 117 (power to purchase interests in lands the purchase of which may have been omitted by mistake), the word “estate,” in each place where it occurs, shall cease to have effect.
- (19) In section 118 (valuation of lands), for the words—
- (a) “estate or interests” substitute “right or interest”; and
 - (b) “estate, or interest” substitute “right, or interest”.
- (20) In section 119 (payment of expenses of litigation), for the word “estate”, in both places where it occurs, substitute “right”.
- (21) In section 124 (lands to be conveyed to the purchasers), the words from “, by deed” to the end shall cease to have effect.
- (22) In section 125 (effect of word “dispone” in conveyances), for the word “estate” substitute “right”.
- (23) Sections 126 (superiorities not to be affected by lands being taken for the purposes of the Act) and 127 (antiquated provisions relating to the prison assessment) shall cease to have effect.
- (24) Schedule (B.) (form of conveyance in consideration of feu duty or rent-charge) shall cease to have effect.

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