

Changes to legislation: Abolition of Feudal Tenure etc. (Scotland) Act 2000, Cross Heading: is up to date with all changes known to be in force on or before 23 July 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) [View outstanding changes](#)

SCHEDULE 5 FORM OF NOTICE PROSPECTIVELY NOMINATING DOMINANT TENEMENT

Explanatory Note

(This explanation has no legal effect)

This notice is sent by your feudal superior, who is also a neighbour. In this notice your property (or some part of it) is referred to (prospectively) as the “servient tenement” and neighbouring property belonging to the superior is referred to (again prospectively) as the “dominant tenement”.

By this notice the feudal superior asserts that at present the use of your property is subject to certain burdens and conditions enforceable by him and claims the right to continue to enforce the burdens and conditions, not as superior but in his capacity of owner of neighbouring property. The notice, if it is registered in the Land Register or Register of Sasines under section 18 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000, will allow him and his successors, as such owners, to enforce the burdens and conditions after the feudal system is abolished (which will be shortly).

Normally, for the notice to be valid, there must, on the dominant tenement, be a permanent building which is within 100 metres of the servient tenement. That building must be in use as a place of human habitation or of human resort. However, the presence of a building is not required if the burden gives a right to enter or otherwise make use of the servient tenement, or if it gives a right of pre-emption or redemption, or if the dominant tenement comprises, and the real burden was created for the benefit of, minerals, salmon fishings or some other incorporeal property.

If you think that there is a mistake in this notice or if you wish to challenge it, you are advised to contact your solicitor or other adviser.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18C(1) words repealed by [2004 asp 7 sch. 2](#)
- s. 18C(3) words repealed by [2004 asp 7 sch. 2](#)