
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 22 May 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](#)

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

Explanatory Note

(This explanation has no legal effect)

This notice is sent by your feudal superior. In this notice your property (or some part of it) is referred to (prospectively) as the “servient tenement” and 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. He wishes to be able to continue to enforce the burdens and conditions, not as superior but in his capacity of owner of the prospective dominant tenement. If you agree and if the agreement is registered in the Land Register or Register of Sasines under section 19 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000, he and his successors, as such owners, will be able to enforce the burdens and conditions after the feudal system is abolished (which will be shortly).

In the absence of agreement the superior may yet be able to enforce the burdens and conditions provided that he can meet certain statutory conditions or if he applies to the Lands Tribunal for Scotland and the Tribunal grants an appropriate order on being satisfied by him that there would be substantial loss or disadvantage to him as owner of the prospective dominant tenement were the real burden to be extinguished or to cease to be enforceable by him.

If the superior does apply to the Tribunal you may oppose the application and in doing so may be eligible for Legal Aid. You would not ordinarily have to meet the superior’s expenses. You are advised to consult your solicitor or other adviser if you wish to consider opposing the application or if you are uncertain about what is said in this notice.

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 22 May 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.

[View outstanding changes](#)

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](#)