



# Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

## PART 4

### REAL BURDENS

#### *Miscellaneous*

#### 42 Further provision as respects sections 18 to 20, 27 and 33

(1) Where—

- (a) a notice relating to a real burden has been registered under section 18, 20, 27 or 33 of this Act; or
- (b) an agreement relating to a real burden has been registered under section 19 of this Act,

against the *dominium utile* of any land which is subject to the burden, it shall not be competent to register under any of those sections against that *dominium utile* another such notice or agreement relating to the same real burden; but nothing in this subsection shall prevent registration where—

- (i) the discharge of any earlier such notice has been registered by the person who registered that notice (or by his successor); or
- (ii) as the case may be, the discharge of any earlier such agreement has been registered, jointly, by the parties to that agreement (or by their successors).

- (2) Where the *dominium utile* of any land comprises parts each held by a separate vassal, each part shall be taken to be a separate feudal estate of *dominium utile*.
- (3) Where more than one feudal estate of *dominium utile* is subject to the same real burden enforceable by a superior of the feu, he shall, if he wishes to execute and register a notice under section 18, 20, 27 or 33 of this Act against those feudal estates in respect of that real burden, require to do so against each separately.
- (4) Where a feudal estate of *dominium utile* is subject to more than one real burden enforceable by a superior of the feu, he may if he wishes to—

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*Status: This is the original version (as it was originally enacted).*

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- (a) execute and register a notice under section 18, 20, 27 or 33 of this Act against that feudal estate in respect of those real burdens, do so by a single notice; or
- (b) enter into and register an agreement under section 19 of this Act against that feudal estate in respect of those real burdens, do so by a single agreement.