



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

2000 asp 5

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

### PART 1

#### ABOLITION OF FEUDAL TENURE

- 1 Abolition on appointed day
- 2 Consequences of abolition
- 3 Amendment of Land Registration (Scotland) Act 1979

### PART 2

#### LAND TRANSFERS ETC. ON AND AFTER APPOINTED DAY

- 4 Ownership of land
- 5 Form of application for recording deed in Register of Sasines
- 6 Deduction of title for unregistered land etc

### PART 3

#### FEUDUTIES

##### *Extinction of feuduties*

- 7 Extinction on appointed day
- 8 Requiring compensatory payment
- 9 Calculation of amount of compensatory payment
- 10 Making compensatory payment by instalments
- 11 Service under section 8(1)
- 12 Extinction by prescription of requirement to make compensatory payment

##### *Arrears*

- 13 Arrears of feuduty etc

*Disclosure*

- 14 Duty of collecting third party to disclose information
- 15 Duty to disclose identity etc. of former vassal

*Interpretation*

- 16 Interpretation of Part 3

**PART 4****REAL BURDENS***Extinction of superior's rights*

- 17 Extinction of superior's rights

*Reallotment etc.*

- 18 Reallotment of real burden by nomination of new dominant tenement
- 19 Reallotment of real burden by agreement
- 20 Reallotment of real burden by order of Lands Tribunal
- 21 Manner of dealing with application under section 20
- 22 Amendment of Tribunals and Inquiries Act 1992
- 23 Reallotment of real burden affecting facility of benefit to other land etc
- 24 Interest to enforce real burden
- 25 Counter-obligations on reallotment

*Conservation burdens*

- 26 Conservation bodies
- 27 Notice preserving right to enforce conservation burden
- 28 Enforcement of conservation burden
- 29 Assignment of right to conservation burden
- 30 Deduction of title for conservation burden
- 31 Extinction of burden on body ceasing to be conservation body
- 32 No standard security over conservation burden

*Compensation*

- 33 Notice reserving right to claim compensation where land subject to development value burden
- 34 Transmissibility of right to claim compensation[j074.doc]
- 35 Claiming compensation
- 36 Service under section 35(3)
- 37 Amount of compensation
- 38 Duty to disclose identity of owner
- 39 The expression "owner" for purposes of sections 35 to 38
- 40 Assignment, discharge, or restriction, of reserved right to claim compensation

*Miscellaneous*

- 41 Notices: pre-registration requirements etc
- 42 Further provision as respects sections 18 to 20, 27 and 33
- 43 Notices and agreements under certain sections: extent of Keeper's duty
- 44 Referral to Lands Tribunal of notice dispute

- 45 Circumstances where certain notices may be registered after appointed day
- 46 Duties of Keeper: amendments relating to the extinction of certain real burdens
- 47 Extinction of counter-obligation
- 48 No implication as to dominant tenement where real burden created in grant in feu

*Interpretation*

- 49 Interpretation of Part 4

**PART 5**

ENTAILS

- 50 Disentailment on appointed day
- 51 Compensation for expectancy or interest of apparent or other nearest heir in an entailed estate
- 52 Closure of Register of Entails

**PART 6**

MISCELLANEOUS

*Discharge of certain rights and extinction of certain obligations and payments*

- 53 Discharge of rights of irritancy
- 54 Extinction of superior's rights and obligations qua superior
- 55 Abolition of thirlage
- 56 Extinction etc. of certain payments analogous to feuduty
- 57 Extinction by prescription of obligation to pay redemption money for feuduty, ground annual etc

*The Crown, the Lord Lyon and Barony*

- 58 Crown application
- 59 Crown may sell or otherwise dispose of land by disposition
- 60 Preserved right of Crown to maritime burdens
- 61 Mines of gold and silver
- 62 Jurisdiction and prerogative of Lord Lyon
- 63 Baronies and other dignities and offices

*Kindly Tenants of Lochmaben*

- 64 Abolition of Kindly Tenancies

*Miscellaneous*

- 65 Creation of proper liferent
- 66 Obligation to make title deeds and searches available
- 67 Prohibition on leases for periods of more than 175 years
- 68 Certain applications to Sheriff of Chancery
- 69 Application of 1970 Act to earlier forms of heritable security
- 70 Ownership of land by a firm

**PART 7**

## GENERAL

- 71 The appointed day
- 72 Interpretation
- 73 Feudal terms in enactments and documents: construction after abolition of feudal system
- 74 Orders, regulations and rules
- 75 Saving for contractual rights
- 76 Minor and consequential amendments, repeals and power to amend or repeal enactments
- 77 Short title and commencement

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SCHEDULE 1 — FORM OF NOTICE REQUIRING COMPENSATORY PAYMENT ETC.: *CUMULO* FEUDUTY

SCHEDULE 2 — FORM OF NOTICE REQUIRING COMPENSATORY PAYMENT ETC.: ORDINARY CASE

SCHEDULE 3 — FORM OF INSTALMENT DOCUMENT

SCHEDULE 4 — PROCEDURES AS TO SERVICE UNDER SECTION 8(1)  
FORM A  
FORM B

SCHEDULE 5 — FORM OF NOTICE PROSPECTIVELY NOMINATING DOMINANT TENEMENT

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

SCHEDULE 7 — FORM OF NOTICE INTIMATING APPLICATION TO LANDS TRIBUNAL UNDER SECTION 20(1)

SCHEDULE 8 — FORM OF NOTICE PRESERVING CONSERVATION BODY'S OR SCOTTISH MINISTERS' RIGHT TO REAL BURDEN

SCHEDULE 9 — FORM OF NOTICE RESERVING RIGHT TO COMPENSATION IN RESPECT OF EXTINCTION OF DEVELOPMENT VALUE BURDEN

SCHEDULE 10 — PROCEDURES AS TO SERVICE UNDER SECTION 35(3)  
FORM A  
FORM B

SCHEDULE 11 — FORM OF ASSIGNATION, DISCHARGE OR RESTRICTION OF RESERVED RIGHT TO CLAIM COMPENSATION

SCHEDULE 12 — MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1 — MINOR AND CONSEQUENTIAL AMENDMENTS:  
GENERAL

- 1 Mines and Metals Act 1592 (c. 31) (Act of the Parliaments of Scotland)
- 2 Redemptions Act 1661 (c. 247) (Act of the Parliaments of Scotland)
- 3 Real Rights Act 1693 (c. 22) (Act of the Parliaments of Scotland)
- 4 Lands Clauses Consolidation (Scotland) Act 1845 (c. 19)
- 5 Entail Amendment Act 1848 (c. 36)
- 6 Registration of Leases (Scotland) Act 1857 (c. 26)
- 7 Land Registers (Scotland) Act 1868 (c. 64)
- 8 Titles to Land Consolidation (Scotland) Act 1868 (c. 101)
- 9 Conveyancing (Scotland) Act 1874 (c. 94)
- 10 Writs Execution (Scotland) Act 1877 (c. 40)
- 11 Conveyancing (Scotland) Acts (1874 and 1879) Amendment Act 1887 (c. 69)
- 12 Military Lands Act 1892 (c. 43)
- 13 Heritable Securities (Scotland) Act 1894 (c. 44)
- 14 Entail (Scotland) Act 1914 (c. 43)
- 15 Conveyancing (Scotland) Act 1924 (c. 27)

*Notes to Schedule K, shall cease to have effect.*

- 16 Church of Scotland (Property and Endowments) Act 1925 (c. 33)
- 17 Church of Scotland (Property and Endowments) Amendment Act 1933 (c. 44)
- 18 Conveyancing Amendment (Scotland) Act 1938 (c. 24)
- 19 National Parks and Access to the Countryside Act 1949 (c. 97)
- 20 Town and Country Planning (Scotland) Act 1954 (c. 73)
- 21 Land Powers (Defence) Act 1958 (c. 30)
- 22 Opencast Coal Act 1958 (c. 69)
- 23 Caravan Sites and Control of Development Act 1960 (c. 62)
- 24 Flood Prevention (Scotland) Act 1961 (c. 41)
- 25 Land Compensation (Scotland) Act 1963 (c. 51)
- 26 Local Government (Development and Finance)(Scotland) Act 1964 (c. 67)
- 27 Forestry Act 1967 (c. 10)
- 28 Countryside (Scotland) Act 1967 (c. 86)
- 29 Countryside Act 1968 (c. 41)
- 30 Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35)
- 31 Agriculture Act 1970 (c. 40)
- 32 Housing (Financial Provisions) (Scotland) Act 1972 (c. 46)
- 33 Prescription and Limitation (Scotland) Act 1973 (c. 52)
- 34 Paragraph 33(1) and (5)(a) of this schedule, and the provisions...
- 35 Land Compensation (Scotland) Act 1973 (c. 56)
- 36 Offshore Petroleum Development (Scotland) Act 1975 (c. 8)
- 37 Scottish Development Agency Act 1975 (c. 69)
- 38 Aircraft and Shipbuilding Industries Act 1977 (c. 3)
- 39 Land Registration (Scotland) Act 1979 (c. 33)
- 40 Ancient Monuments and Archaeological Areas Act 1979 (c. 46)
- 41 Education (Scotland) Act 1980 (c. 44)
- 42 Water (Scotland) Act 1980 (c. 45)
- 43 British Telecommunications Act 1981 (c. 38)
- 44 Mobile Homes Act 1983 (c. 34)
- 45 Roads (Scotland) Act 1984 (c. 54)

- 46 Companies Act 1985 (c. 6)
  - 47 Housing Associations Act 1985 (c. 69)
  - 48 Housing (Scotland) Act 1987 (c. 26)
  - 49 Consumer Protection Act 1987 (c. 43)
  - 50 Income and Corporation Taxes Act 1988 (c. 1)
  - 51 Capital Allowances Act 1990 (c. 1)
  - 52 Enterprise and New Towns (Scotland) Act 1990 (c. 35)
  - 53 Natural Heritage (Scotland) Act 1991 (c. 28)
  - 54 Coal Mining Subsidence Act 1991 (c. 45)
  - 55 Crofters (Scotland) Act 1993 (c. 44)
  - 56 Coal Industry Act 1994 (c. 21)
  - 57 Value Added Tax Act 1994 (c. 23)
  - 58 Requirements of Writing (Scotland) Act 1995 (c. 7)
  - 59 Atomic Energy Authority Act 1995 (c. 37)
  - 60 Town and Country Planning (Scotland) Act 1997 (c. 8)
  - 61 Finance Act 1999 (c. 16)
    - PART 2 — MINOR AND CONSEQUENTIAL AMENDMENTS  
RELATING TO THE NATIONAL TRUST FOR SCOTLAND
  - 62 National Trust for Scotland Order Confirmation Act 1935 (c.ii)
  - 63 National Trust for Scotland Order Confirmation Act 1947 (c.xxxviii)
- SCHEDULE 13 — REPEALS
- PART 1 — REPEALS: GENERAL
  - PART 2 — REPEALS RELATING TO THE NATIONAL TRUST FOR  
SCOTLAND