



Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 1

ABOLITION OF FEUDAL TENURE

1 Abolition on appointed day

The feudal system of land tenure, that is to say the entire system whereby land is held by a vassal on perpetual tenure from a superior is, on the appointed day, abolished.

2 Consequences of abolition

- (1) An estate of *dominium utile* of land shall, on the appointed day, cease to exist as a feudal estate but shall forthwith become the ownership of the land and, in so far as is consistent with the provisions of this Act, the land shall be subject to the same subordinate real rights and other encumbrances as was the estate of *dominium utile*.
- (2) Every other feudal estate in land shall, on that day, cease to exist.
- (3) It shall, on that day, cease to be possible to create a feudal estate in land.

3 Amendment of Land Registration (Scotland) Act 1979

The Land Registration (Scotland) Act 1979 (c. 33) shall be amended as follows—

- (a) in section 4(2) (applications for registration which are not to be accepted by the Keeper of the Registers of Scotland), after paragraph (a) there shall be inserted—
 - “(aa) it relates in whole or in part to an interest in land which by, under or by virtue of any provision of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5) is an interest which has ceased to exist;”;
- (b) in section 9 (rectification of Land Register of Scotland)—
 - (i) in subsection (3), at the beginning insert “Subject to subsection (3B) below,”; and

Status: This is the original version (as it was originally enacted).

(ii) after subsection (3A) insert—

“(3B) Subject to subsection (3C) below, rectification (whether requisite or in exercise of the Keeper’s discretion) to take account of, or of anything done (or purportedly done) under or by virtue of, any provision of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), other than section 4 or 65, shall, for the purposes of subsection (3) above (and of section 12(3)(cc) of this Act), be deemed not to prejudice a proprietor in possession.

(3C) For the purposes of subsection (3B) above, rectification does not include entering or reinstating in a title sheet a real burden or a condition affecting an interest in land.”; and

(c) in section 12(3) (circumstances in which there is no entitlement to be indemnified by the Keeper), after paragraph (c) insert—

“(cc) the loss arises in consequence of—

(i) a rectification which; or

(ii) there being, in the register, an inaccuracy the rectification of which,

were there a proprietor in possession, would be deemed, by subsection

(3B) of section 9 of this Act, not to prejudice that proprietor;”.