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**Changes to legislation:** Abolition of Feudal Tenure etc. (Scotland) Act 2000, Paragraph 39 is up to date with all changes known to be in force on or before 13 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

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## SCHEDULE 12 MINOR AND CONSEQUENTIAL AMENDMENTS

### PART 1

#### MINOR AND CONSEQUENTIAL AMENDMENTS: GENERAL

##### *Land Registration (Scotland) Act 1979 (c.33)*

- 39 (1) The Land Registration (Scotland) Act 1979 shall be amended in accordance with this paragraph.
- (2) In section 2(1)(a) (provision for registration in the land register)—
- (a) in sub-paragraph (i)—
    - (i) for the words “feu, long lease or security by way of contract of ground annual” substitute “ long lease ”; and
    - (ii) for the words “feuar, lessee or debtor in the ground annual” substitute “ lessee ”; and
  - (b) in sub-paragraph (v), for the words “, udal tenure or a kindly tenancy” substitute “ or udal tenure ”.
- (3) In section 3 (effect of registration)—
- (a) in subsection (3), paragraph (c) shall cease to have effect;
  - (b) in subsection (4), paragraph (b) shall cease to have effect; <sup>F1</sup> . . .
  - (c) <sup>F1</sup> . . . . .
- (4) In section 6 (title sheets)—
- (a) in subsection (1)(a), for the words “*dominium utile*” substitute “ land ”; and
  - (b) in subsection (3), the words “over-feuduty or”, in both places where they occur, shall cease to have effect.
- (5) In section 12 (indemnity in respect of loss)—
- (a) in subsection (3)(m), the words “a superior, a creditor in a ground annual or”, “the feu writ, the contract of ground annual or”, “, as the case may be,”, “superior, creditor or” and, in both places where they occur, “feuduty, ground annual or”; and
  - (b) in subsection (4)(a) the words “over-feuduty or”, shall cease to have effect.
- (6) <sup>F1</sup> . . . . .
- (7) In section 16 (omission of certain clauses in deeds)—
- (a) subsection (2); and
  - (b) in subsection (3)(b), the words “feuduties, ground annuals,” and “and, in the case of a grant of land in feu, of all feuduties payable by the grantor to his superiors from and after the date of entry”, shall cease to have effect.
- (8) In section 20 (tenants-at-will)—
- (a) in subsection (3), paragraph (ii), and the word “; and” immediately preceding that paragraph, shall cease to have effect;

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- (b) in subsection (5), for the words “, restriction or redemption” substitute “ or restriction ”;
  - (c) in subsection (6), the words “, and all such feuduties, ground annuals or other periodical payments as are mentioned in subsection (3)(ii) above” shall cease to have effect; and
  - (d) in subsection (8)(a), sub-paragraph (ii) shall cease to have effect.
- (9) In section 21 (provisions supplementary to section 20)—
- (a) in subsection (8), for the words “infert in” substitute “ owner of”;
  - (b) for subsection (9) substitute—
    - “(9) Any condition or provision to the effect that a person with an interest in land shall be entitled to a right of pre-emption in the event of a sale of the land, or of any part of the land, by the proprietor for the time being, shall not be capable of being enforced where the sale is by a landlord to his tenant-at-will under section 20 of this Act.”;
- and
- (c) in subsection (10) for the words “grant by him of a feu” substitute “ disposition by him ”.
- (10) In section 26 (application to Crown), for the words “held of the Crown and of” substitute “ owned by the Crown or by ”.
- (11) In section 28(1) (interpretation)—
- (a) the definition of “feu” shall cease to have effect;
  - (b) in the definition of “incorporeal heritable right”, after the word “include” insert “ a right of ownership of land, the right of a lessee under a long lease of land, a right to mines or minerals or ”;
  - (c) for the definition of “interest in land” substitute—
    - ““interest in land”—
    - (a) means any right in or over land, including any heritable security or servitude but excluding any lease which is not a long lease; and
    - (b) where the context admits, includes the land;”.

#### Textual Amendments

- F1** Sch. 12 para. 39(3)(c)(6) and word preceding para. 39(3)(c) repealed (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 128(2), 129(5)(b)(c), sch. 15 (with ss. 119, 121)

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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](#)