Changes to legislation: *Abolition of Feudal Tenure etc. (Scotland) Act 2000, SCHEDULE 5A is up to date with all changes known to be in force on or before 08 October 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*

[[F1]SCHEDULE 5A

(introduced by section 18A(1))

FORM OF NOTICE PROSPECTIVELY CONVERTING REAL BURDEN INTO PERSONAL PRE-EMPTION BURDEN OR PERSONAL REDEMPTION BURDEN

Textual Amendments

F1 Schs. 5A-5C inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), **ss. 114(6)**, 129(3) {sch. 13 para. 16}, (with ss. 119, 121)

"NOTICE PROSPECTIVELY CONVERTING REAL BURDEN INTO PERSONAL PRE-EMPTION BURDEN OR PERSONAL REDEMPTION BURDEN

Superior:

(see note for completion 1)

Description of land which is to be servient tenement:

(see note for completion 2)

Terms of real burden:

(see note for completion 3)

Any counter obligation:

(see note for completion 3)

Title to the superiority:

(see note for completion 4)

Service:

(see note for completion 5)

I swear [*or*affirm] that the information contained in the notice is, to the best of my knowledge and belief, true.

Signature of superior:

(see note for completion 6)

Signature of notary public:

Date: ."

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".

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By this notice the feudal superior asserts that at present your property is subject to a right of pre-emption [*or* of redemption] enforceable by him and claims the right to continue to enforce it not as superior but in a personal capacity. The notice, if it is registered in the Land Register or Register of Sasines under section 18A of the Abolition of Feudal Tenure etc. (Scotland) Act 2000, will allow him to enforce the right after the feudal system is abolished (which will be shortly).

If you think that there is a mistake in this notice or if you wish to challenge it, you are advised to contact your solicitor or other adviser.

Notes for completion of the notice

(These notes have no legal effect)

1 Insert name and address of superior.

2 Describe the land in a way that is sufficient to enable the Keeper to identify it by reference to the Ordnance Map. Where the title to the land has been registered in the Land Register the description should refer to the title number of the land or of the larger subjects of which the land forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.

3 Specify by reference to the appropriate Register the deed or deeds in which the real burden or counter-obligation was imposed. Set out the real burden or counter-obligation in full or refer to the deed in such a way as to identify the real burden or counter-obligation.

4 Where the title has been registered in the Land Register of Scotland and the superior is—

(a) registered as proprietor, specify the title number;

(b) not so registered, specify the title number and set out the midcouples or links between the person last registered and the superior so as sufficiently to identify them.

Where the title has not been registered in the Land Register and the superior—

(a) has a recorded title, specify by reference to the Register of Sasines the deed constituting the immediate title;

(b) does not have a recorded title, either—

(i) specify by reference to the Register of Sasines the deed constituting the immediate title of the person with the last recorded title and set out the midcouples or links between that person and the superior so as sufficiently to identify them; or

(ii) if there is no such deed, specify the nature of the superior's title.

5 Do not complete until a copy of the notice has been sent to the owner of the prospective servient tenement (except in a case where this is not reasonably practicable). Then insert whichever is applicable of the following:

"The superior has sent a copy of this notice by [*specify whether by recorded delivery or registered post or by ordinary post*] on [*date of posting*] to the owner of the prospective servient tenement at [*state address*]."; or

"It has not been reasonably practicable to send a copy of this notice to the owner of the prospective servient tenement for the following reason: [*specify the reason*]".

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6 The superior should not swear or affirm, or sign, until a copy of the notice has been sent (or otherwise) as mentioned in note 5. Before signing, the superior should swear or affirm before a notary public (or, if the notice is being completed outwith Scotland, before a person duly authorised under the local law to administer oaths or receive affirmations) that, to the best of the superior's knowledge and belief, all the information contained in the notice is true. The notary public should also sign. Swearing or affirming a statement which is known to be false or which is believed not to be true is a criminal offence under the False Oaths (Scotland) Act 1933. Normally the superior should swear or affirm, and sign, personally. If, however, the superior is legally disabled or incapable (for example, because of mental disorder) his legal representative should swear or affirm and sign. If the superior is not an individual (for example, if it is a company) a person entitled by law to sign formal documents on its behalf should swear or affirm and sign.**]**

Changes to legislation:
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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