



Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 3

FEUDUTIES

Extinction of feuduties

10 Making compensatory payment by instalments

- (1) Where notice under subsection (1) of section 8 of this Act requires from a former vassal a compensatory payment of not less than £50, the former superior shall serve with it a filled out document (in this section referred to as an (“instalment document”, in (or as nearly as may be in) the form contained in schedule 3 to this Act, for signature and dating by the former vassal (there being appended to the document so sent a copy of the explanatory note which immediately follows that form in the schedule); and if the former superior does not do so then no requirement to make the compensatory payment shall arise under subsection (5) of that section by virtue of that notice.
- (2) Subject to subsection (3) below, a former vassal on whom an instalment document is served shall obtain the option of making the compensatory payment by instalments if (and only if)—
 - (a) he signs, dates and returns the document within the period which (but for this section) is allowed for making that payment by section 8(5) of this Act; and
 - (b) when so returning the document, he pays to the former superior an amount equivalent to one tenth of the compensatory payment (being an amount thus payable in addition to the compensatory payment and irrespective of how or when the compensatory payment is subsequently made).
- (3) If on or after the date on which an instalment document is served on a former vassal he ceases by virtue of a sale, or transfer for valuable consideration, to have right to the land in respect of which the feuduty was payable or any part of that land (that land or any part of it being in this section referred to as (“the land” then—
 - (a) where he has obtained the option mentioned in subsection (2) above, he shall lose that option; and

Status: This is the original version (as it was originally enacted).

- (b) where he has not obtained that option, he shall lose the right to obtain it.
- (4) Where the option of making the compensatory payment by instalments is obtained, those instalments shall be equal instalments payable where—
- (a) the compensatory payment is £500 or less, on each of the five;
 - (b) it is more than £500 but not more than £1,000, on each of the ten;
 - (c) it is more than £1,000 but not more than £1,500, on each of the fifteen; and
 - (d) it is more than £1,500, on each of the twenty,
- term days of Whitsunday or Martinmas which then next follow; except that—
- (i) in a case where any such instalment remains unpaid for forty-two days after falling due, the outstanding balance of the entire compensatory payment shall immediately fall due;
 - (ii) in a case where, by virtue of subsection (3)(a) above, the option is lost, that outstanding balance shall fall due on the seventh day after the day on which the former vassal ceases to have right to the land; and
 - (iii) in any other case, the former vassal may pay that outstanding balance at any time.
- (5) In a case where, by virtue of subsection (3)(b) above, the right to obtain the option of making the compensatory payment by instalments is lost, section 8(5) of this Act shall apply accordingly.