Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 6

MISCELLANEOUS

Discharge of certain rights and extinction of certain obligations and payments

54 Extinction of superior's rights and obligations qua superior

(1) Subject to section 13, to Part 4, and to **[**[F1]sections 60(1) and 65A**]**, of this Act, a right or obligation which, immediately before the appointed day, is enforceable by, or as the case may be against, a superior qua superior **[**[F2](including, without prejudice to that generality, sporting rights as defined by subsection (9) of that section 65A)**]** shall, on that day, be extinguished.

(2) Subject to subsection (3) below—

(a) on or after the appointed day, no proceedings for such enforcement shall be commenced;

(b) any proceedings already commenced for such enforcement shall be deemed to have been abandoned on that day and may, without further process and without any requirement that full judicial expenses shall have been paid by the pursuer, be dismissed accordingly; and

(c) any decree, or interlocutor, already pronounced in proceedings for such enforcement shall be deemed to have been reduced, or as the case may be recalled, on that day.

(3) Subsection (2) above shall not affect any proceedings, decree or interlocutor in relation to—

(a) a right of irritancy held by a superior; or

[[F3](aa) a right of enforcement held by virtue of of section 13, 33, 60(1) or 65A of this Act;**]**

(b) a right to recover damages or to the payment of money.

Changes to legislation: *Abolition of Feudal Tenure etc. (Scotland) Act 2000, Section 54 is up to date with all changes known to be in force on or before 28 July 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*

Textual Amendments

F1 Words in s. 54(1) substituted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 11(a)(i)** (with ss. 119, 121)

F2 Words in s. 54(1) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 11(a)(ii)** (with ss. 119, 121)

F3 S. 54(3)(aa) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3), **sch. 13 para. 11(b)** (with ss. 119, 121)

Changes to legislation:
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View outstanding changes

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