



Conveyancing (Scotland) Act 1924

1924 CHAPTER 27 14 and 15 Geo 5

5 Deduction of title.

- (1) In a deduction of title in terms of this Act it shall be competent to specify as a title or as a midcouple or link of title, any statute, conveyance, deed, instrument, decree or other writing whereby a right to land or to [^{F1}any real right in] land is vested in or transmitted to any person, or in virtue of which a notarial instrument could [^{F2}(before the day appointed by order made under section 71 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5))] be expedite, or which could be used as a midcouple or link of title in expediting such instrument, or any minute of a meeting at which any person is appointed to any place or office, if such appointment involves a right to land or to [^{F1}a real right in] land; and any copy of or excerpt from such minute of meeting certified as correct by the Chairman of such meeting or other person duly authorised to sign such minute or to give extracts therefrom, or by any law agent or notary public shall be prima facie evidence of the terms of such minute of meeting.
- (2) (a) When the holder of a heritable security . . . ^{F3} has died, whether ^{F4}... with or without a recorded title, and whether testate or intestate, any confirmation in favour of an executor of such deceased which includes such security shall of itself be a valid title to the debt thereby secured, and shall also be a warrant for such executor dealing with such debt and also with such security in terms of the third [^{F5}section] of this Act, and also for completing a title to such security in terms of the fourth section of this Act.
- (b) For the purposes of this subsection, “confirmation” shall include any probate or letters of administration or other grant of representation to movable or personal estate of a deceased person [^{F6}issued—
- (a) by any court in England and Wales or Northern Ireland and noting his domicile in England and Wales or in Northern Ireland, as the case may be, or
- (b) by any court outwith the United Kingdom and sealed in Scotland under section 2 of the ^{M1}Colonial Probates Act 1892

and] the confirmation thereby implied shall operate in favour of the person or the persons or the survivors or survivor of them to whom such probate, letters of administration or other grant of representation were granted; and “executor” shall

Changes to legislation: There are currently no known outstanding effects for the Conveyancing (Scotland) Act 1924, Section 5. (See end of Document for details)

include such person or persons; and such implied confirmation shall be deemed to include all heritable securities which belonged to the deceased . . . ^{F3}

- (3) (a) It shall be competent in any warrant, interlocutor or decree of court conferring a right to land or to a heritable security, or granting authority to complete a title thereto, and also in the application upon which such warrant, interlocutor or decree proceeds, to insert a deduction of title from the person ^{F7}... holding the last recorded title, and an extract of such warrant, interlocutor or decree shall be equivalent to a disposition of land or an assignation of a heritable security granted in terms of section three of this Act and on being recorded in the appropriate Register of Sasines shall have the same force and effect as such a disposition or assignation duly recorded in such register.
- (b) Section twenty-four of the ^{M2}Titles to Land Consolidation (Scotland) Act, 1868, and section forty-four of the ^{M3}Conveyancing (Scotland) Act, 1874, are hereby amended in accordance with the provisions of this subsection, and the procedure prescribed in section forty four of the said Act of 1874, as hereby amended, shall be competent irrespective of whether the trust title has or has not been duly completed and recorded, and shall be applicable to all judicial factors within the meaning of section three of the said Act of 1868, and both of such sections hereby amended shall apply to heritable securities, and such heritable security may be referred to in any warrant, interlocutor of decree, or in any application upon which the same proceeds, in the manner prescribed in the forms relative thereto referred to in section four of this Act.

Textual Amendments

- F1** Words in s. 5(1) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 15\(5\)\(a\)\(i\)\(iii\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F2** Words in s. 5(1) inserted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 15\(5\)\(a\)\(ii\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F3** Words repealed with savings by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 34(2), [Sch. 3](#)
- F4** Words in s. 5(2)(a) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 15\(5\)\(b\)\(i\)](#), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F5** Words in s. 5(2)(a) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 15\(5\)\(b\)\(ii\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F6** Words substituted by [Administration of Estates Act 1971 \(c. 25\)](#), [Sch. 1 para. 3](#)
- F7** Words in s. 5(3)(a) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 15\(5\)\(c\)](#), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

- C1** S. 5 excluded by [Land Registration \(Scotland\) Act 1979 \(c. 33, SIF 31:3\)](#), [s. 15\(3\)](#)
- C2** S. 5 applied by [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c. 35\)](#), [s. 12\(3\)](#)
- C3** S. 5(1) modified by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), Ss 70, 112(3), [Sch.10 para. 35\(1\)](#)
- C4** S. 5(2) amended by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), [s. 15\(1\)](#)

Marginal Citations

- M1** 1892 c. 6.
- M2** 1868 c. 101.
- M3** 1874 c. 94.

Changes to legislation:

There are currently no known outstanding effects for the Conveyancing (Scotland) Act 1924, Section 5.