



Conveyancing (Scotland) Act 1924

1924 CHAPTER 27

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 any estate or interest in or security over land is vested in or transmitted to any person, or in virtue of which a notarial instrument could 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 an estate or interest in or security over 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 from which executors are not excluded has died, whether infeft or uninfeft, or 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 and seventh sections 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 issued by any court in England or Northern Ireland or any part of His Majesty's dominions which has been or shall have been produced in the Commissary Court of the County of Edinburgh and certified by the commissary Clerk of that court under and in terms of the Confirmation and Probate Act, 1858, or sealed with the seal of office of the Court under and in terms of the Colonial Probates Act, 1892, or so certified or sealed under and in terms of any future statutory provisions to that effect, 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 include such person or persons; and such implied confirmation shall be deemed to include all heritable securities which belonged to the deceased and from which executors are not excluded.

- (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 last infert or 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 Titles to Land Consolidation (Scotland) Act, 1868, and section forty-four of the 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 or 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.