



Titles to Land Consolidation (Scotland) Act 1868

1868 CHAPTER 101 31 and 32 Vict

An Act to consolidate the Statutes relating to the constitution and completion of titles to heritable property in Scotland, and to make certain changes in the law of Scotland relating to heritable rights. [31st July 1868]

Modifications etc. (not altering text)

- C1 Functions of Sheriff of Chancery now exercisable by Sheriff Principal of the Lothians: [Administration of Justice \(Scotland\) Act 1933 \(c. 41\), s. 31\(1\)](#) and [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4\(1\)](#)
- C2 Functions of presenter of signatures now exercisable by Sheriff Principal of the Lothians: [Conveyancing \(Scotland\) Act 1874 \(c. 94\), s. 57](#), [Administration of Justice \(Scotland\) Act 1933 \(c. 41\), s. 31\(1\)](#) and [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4\(1\)](#)
- C3 Functions of Director of Chancery now exercisable by Keeper of the Registers of Scotland: [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\), s. 7](#), S.R. & O, 1932/148 (Rev. III, p. 655: 1932, p. 140) and [Public Registers and Records \(Scotland\) Act 1948 \(c. 57\), s. 1\(2\)](#)
- C4 References to Lord Ordinary on the Bills to be construed as references to a Judge sitting in the Outer House: [Administration of Justice \(Scotland\) Act 1933 \(c. 41\), s. 3\(1\)](#)
- C5 Preamble omitted under authority of [Statute Law Revision Act 1893 \(c. 14\)](#)

Commencement Information

- II Act wholly in force at 31.12.1868 see [s. 2](#)

1 Short title.

This Act may be cited for all purposes as “The Titles to Land Consolidation (Scotland) Act 1868.”

2 Commencement of Act.

This Act shall take effect from and after the thirty-first day of December one thousand eight hundred and sixty-eight, unless in so far as it is herein appointed to take effect at an earlier date.

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3 Interpretation of terms.

The following words and expressions in this Act, and in the schedules annexed to this Act, shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,

[^{F1}The words “grantor”,] “grantee,” “disponer,” “disponee,” “legatee,” “adjudger,” and “purchaser” shall extend to and include the heirs, successors, and representatives of [^{F1}such grantor], grantee, disponer, disponee, legatee, adjudger, or purchaser respectively; and the word “successors” shall extend to and include heirs, disponees, assignees legal as well as voluntary, executors, and representatives:

^{F2}

The words “Sheriff of Chancery” shall extend to and include the Sheriff of Chancery and his substitute under this Act, or under the Act of the tenth and eleventh Victoria, chapter forty-seven; and the word “Sheriff” shall extend to and include [^{F3}the Sheriff Principal ^{F4}... of any sheriffdom ^{F4}... and the Sheriff] and the Sheriff of Chancery and his substitute:

The words “Sheriff Clerk of Chancery” shall extend to and include the Sheriff Clerk of Chancery acting under this Act, or who acted under the ^{M1}Act of the tenth and eleventh Victoria, chapter forty-seven, and the depute of such Sheriff Clerk; and the words “Sheriff Clerk” shall extend to and include the Sheriff Clerk of Chancery and [^{F5}the Sheriff Clerk ^{F4}... of the sheriff court district concerned]^{F4}... and their respective deputies:

^{F6}... the word “Prince” shall extend to and include the Prince and Steward of Scotland and his successors:

^{F6} ...

The word “deed” and the word “conveyance” shall each extend to and include all ^{F6}... writs, dispositions, ^{F6}... whether inter vivos or mortis causa, and whether absolute or in trust, ^{F6}... heritable securities, reversions, assignations, instruments, decrees of constitution relating to land to be afterwards adjudged, decrees of adjudication for debt, and of adjudication in implement, and of constitution and adjudication combined, whether for debt or implement, decrees of declarator and adjudication, decrees of sale, and decrees of general and of special service ^{F6}... and the summonses, petitions, or warrants on which any such decrees proceed, warrants to judicial factors, trustees, or beneficiaries of a lapsed trust, to make up titles to lands, and the petitions on which such warrants proceed, writs of acknowledgment, contracts of excambion, deeds of entail ^{F6}... and all deeds, decrees, and writings by which lands, or rights in lands, are constituted or completed or conveyed, or discharged, whether dated, granted, or obtained before or after the passing of this Act, and official extracts of all deeds and conveyances; and all codicils, deeds of nomination, and other writings annexed to or endorsed on deeds or conveyances or bearing reference to deeds or conveyances separately granted, and decrees of declarator naming or appointing persons to exercise or enjoy the rights or powers conferred by such deeds or conveyances, shall be deemed and taken for the purposes of this Act to be parts of the deeds or conveyances to which they severally relate, and shall have the same effect in all respects as to the persons so named and appointed as if they had been named and appointed in the deeds or conveyances themselves:

^{F6} ...

The word “instrument” shall extend to and include all notarial instruments ^{F6}... and also all instruments of sasine, instruments of resignation ad

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remanentiam, instruments of resignation and sasine, and instruments of cognition and sasine, and instruments of cognition:

The words “heritable security” and “security” shall each extend to and include all heritable bonds, bonds and dispositions in security, bonds of annual rent, bonds of annuity, and all securities authorized to be granted by the seventh section of the ^{M2}Debts Securities (Scotland) Act 1856, and all deeds and conveyances whatsoever, legal as well as voluntary, which are or may be used for the purpose of constituting or completing or transmitting a security over lands or over the rents and profits thereof, as well as such lands themselves and the rents and profits thereof, and the sums, principal, interest, and penalties secured by such securities, but shall not include securities by way of ground annual, whether redeemable or irredeemable, or absolute dispositions qualified by back bonds or letters:

The word “creditor” shall extend to and include the party in whose favour an heritable security is granted, and his successors in right thereof:

The word “debtor” shall include the debtor and his successors:

The word “lands” shall extend to and include all heritable subjects, securities, and rights:

The words “notary public” shall be held to mean a notary public duly admitted to practise in Scotland:

The word “petitioner” shall extend to and include any person who may have presented or may present a petition within the meaning of this Act, or of any Act hereby repealed:

The words “judicial factor” shall extend to and include judicial factors ^{F7}... to persons under incapacity, ^{F8} ..., factors loco absentis, and all judicial managers:

^{F6}
...

Textual Amendments

- F1** Words in s. 3 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(2)(a)(b) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F2** Definition repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)
- F3** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4(2), **Sch. para. 1**
- F4** Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)
- F5** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27**, Pt. I para. 1(3)
- F6** Words in s. 3 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(2)(c)-(h), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F7** S. 3: words in definition of “judicial factor” repealed (1.4.2002) by 2000 asp 4, s. 88(3), **Sch. 6**; S.S.I. 2001/81, art. 3, **Sch. 2**
- F8** Words in s. 3 repealed (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\)](#), ss. 10(2), 11(2), **Sch. 2** (with s. 1(3))

Marginal Citations

- M1** 1847 c. 10.
- M2** 1856 c. 91.

^{F9}4 † Acts specified in Schedule (A.) repealed.

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Textual Amendments

F9 S. 4 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(3), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

C6 Unreliable Marginal Note.

^{F10}5 In conveyances of land, etc. not held burgage, certain clauses may be inserted in the short forms given in Schedule (B.) No. 1.

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Textual Amendments

F10 S. 5 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(3), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F11}6 Import of clause expressing manner of holding.

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Textual Amendments

F11 S. 6 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(3), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F12}7 In conveyances of burgage property certain clauses may be inserted in the forms given in Schedule (B.) No. 2.

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Textual Amendments

F12 S. 7 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(3), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

8 Import of clauses in schedule (B.) Nos. 1 & 2.

^{F13}... the clause of assignation of writs and evidents in [^{F14}form No. 1] of schedule (B.) hereto annexed shall, unless specially qualified, be held to import an absolute and unconditional assignation to such writs and evidents ^{F15}... therein contained, and to all unrecorded conveyances to which the disponer has right; and the clause of assignation of [^{F14}rents] shall, unless specially qualified, be held to import an assignation to the rents to become due for the possession following the term of entry, according to the legal and not the conventional terms, unless in the case of forehand rents, in which case it shall be held to import an assignation to the rents payable at the conventional terms subsequent to the date of entry; and the clause of [^{F14}warrandice] shall, unless

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specially qualified, be held to imply absolute warrandice as regards the lands and writs and evidents, and warrandice from fact and deed as regards the rents; and the clause of obligation to free and relieve from [^{F14}public burdens] shall, unless specially qualified, be held to import an obligation to relieve of all [^{F14}public] and local burdens due from or on account of the lands conveyed prior to the date of entry ^{F15}... and the clause of consent to registration [^{F14}shall, unless specially qualified, have the meaning and effect assigned] in the one hundred and thirty-eighth section of this Act.

Textual Amendments

- F13** Words in s. 8 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)
- F14** Words in s. 8 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(4)(a)(c)-(f)(h) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F15** Words in s. 8 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(4)(b)(g), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F169} **Conditions of entail may, in conveyances of entailed lands, be inserted by reference merely.**

Textual Amendments

- F16** S. 9 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(5), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F17} **10 Real burdens may be referred to as already in the register of sasines.**

Textual Amendments

- F17** S. 10 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(5), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

11 ^{F18}

Textual Amendments

- F18** S. 11 repealed by [Conveyancing \(Scotland\) Act 1874 \(c. 94\)](#), **s. 61**

12 Clause directing part of conveyance to be recorded.

Immediately before the testing clause of any conveyance of lands, it shall be competent to insert a clause of direction, in or as nearly as may be in the form No. 1 of schedule (F.) hereto annexed, specifying the part or parts of the conveyance which the grantor thereof desires to be recorded in the register of sasines; and when such clause is so inserted in any conveyance, whether dated before or after the commencement of this

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Act, and ^{F19}... is presented to the keeper of the appropriate register of sasines for registration, [^{F20}the keeper may] record such part or parts only, together with the clause of direction and the testing clause ^{F19}....: Provided that, notwithstanding such clause of direction, it shall be competent for the person entitled to present the conveyance for registration to record the whole conveyance, ^{F19}....

Textual Amendments

- F19** Words in s. 12 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(6)(a)(c), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F20** Words in s. 12 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 8(6)(b)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

13 Several lands conveyed by the same deed may be comprehended under one general name.

Where several lands are comprehended in one conveyance in favour of the same person or persons, it shall be competent to insert a clause in the conveyance, declaring that the whole lands conveyed and therein particularly described shall be designed and known in future by one general name to be therein specified; and on the conveyance containing such clause, whether dated before or after the commencement of this Act, or on an instrument following thereon, whether dated before or after the commencement of this Act, and containing such particular description and clause, being duly recorded in the appropriate register of sasines, it shall be competent in all subsequent conveyances and deeds and discharges, of or relating to such several lands, to use the general name specified in such clause as the name of the several lands declared by such clause to be comprehended under it; and such subsequent conveyances and deeds and discharges of or relating to such several lands under the general name so specified shall be as effectual in all respects as if the same contained a particular description of each of such several lands, exactly as the same is set forth in such recorded conveyance or instrument: Provided always, that reference be made in such subsequent conveyances and deeds and discharges to a prior conveyance or instrument recorded as aforesaid, in which such particular description and clause are contained: Provided also, that it shall not be necessary in such clause to comprehend under one general name the whole lands contained in the conveyance in which such clause is inserted, but that it shall be competent to comprehend certain lands under one general name and certain other lands under another general name, it being clearly specified what lands are comprehended under each general name; and such reference shall be in or as nearly as may be in the terms set forth in schedule (G.) hereunto annexed.

Modifications etc. (not altering text)

- C7** S. 13 excluded by [Land Registration \(Scotland\) Act 1979 \(c. 33\)](#), s. 15(1)

^{F21}14 Certain clauses in entails no longer necessary.

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Textual Amendments

F21 S. 14 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(7), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F22 15 Instrument of sasine no longer necessary, but conveyance may be recorded instead.

Textual Amendments

F22 S. 15 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(7), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

16 **F23**

Textual Amendments

F23 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos.1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#); and s. 16 expressed to be repealed (*prosp.*) by [2000 asp 5](#), ss. 76(2), 77(2)(a)(d), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

F24 17 Not necessary to record the whole conveyance or discharge.

Textual Amendments

F24 S. 17 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(7), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F25 18 Instrument of resignation ad remanentiam unnecessary, but in place thereof conveyance in favour of superior may be recorded.

Textual Amendments

F25 S. 18 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(7), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F26 19 Notarial instruments in favour of general disponees.

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Textual Amendments

F26 S. 19 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(7), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

20 **De praesenti words, or words of style, unnecessary in mortis causa deeds.**

From and after the commencement of this Act it shall be competent to any owner of lands to settle the succession to the same in the event of his death, not only by conveyances de praesenti, according to the existing law and practice, but likewise by testamentary or mortis causa deeds or writings, and no testamentary or mortis causa deed or writing purporting to convey or bequeath lands which shall have been granted by any person alive at the commencement of this Act, or which shall be granted by any person after the commencement of this Act, shall be held to be invalid as a settlement of the lands to which such deed or writing applies on the ground that the grantor has not used with reference to such lands the word “dispone,” or other word or words importing a conveyance de praesenti; and where such deed or writing shall not be expressed in the terms required by the existing law or practice for the conveyance of lands, but shall contain with reference to such lands any word or words which would, if used in a will or testament with reference to moveables, be sufficient to confer upon the executor of the grantor, or upon the grantee or legatee of such moveables, a right to claim and receive the same, such deed or writing, if duly executed in the manner required or permitted in the case of any testamentary writing by the law of Scotland, shall be deemed and taken to be ^{F27}valid as a settlement on a grantee or legatee of the lands to which it applies; and the executor of the grantor may complete title to such lands by expeding and recording a notarial instrument as aforesaid]: Provided always, that nothing herein contained shall be held to confer any right to such lands on the successors of any such grantee or legatee who shall predecease the grantor, unless the deed or writing shall be so expressed as to give them such right in the event of the predecease of such grantee or legatee.

Textual Amendments

F27 Words substituted by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, **Sch. 2 para. 8**

21 **Trustee or executor to apply lands for purposes of trust or will.**

Where such testamentary or mortis causa deed or writing shall be conceived in favour of a grantee as trustee or executor of the grantor, and shall not be expressed to be wholly in favour of such trustee or executor for his own benefit, such trustee or executor shall apply such whole lands for the purposes specified in such deed or writing; and where such purposes cannot, in whole or in part, be carried into effect, or where no purposes with reference to such lands have been or shall be specified in such deed or writing, such trustee or executor shall convey such lands, or so much thereof, or shall apply so much of the proceeds thereof, if such lands shall have been sold and realized by him, as may not be required for the purposes of such deed or writing, to or for behoof of the person or the successors of the person who, but for the passing of this Act and the granting of such deed or writing, would have been entitled to succeed to such lands on the death of such grantor.

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22 F28

Textual Amendments

F28 S. 22, Sch. (M.) repealed by [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c. 35\), s. 48, Sch. 11 Pt. II](#)

^{F29}23 **Notarial instruments in favour of parties acquiring rights to unrecorded conveyances.**
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Textual Amendments

F29 S. 23 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\), ss. 71, 77\(2\), sch. 12 para. 8\(7\), sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

[^{F30}24 **Mode of completing title by a judicial factor on a trust estate, &c.**

Where in a petition to the Court of Session for the appointment of a judicial factor authority has been or shall be asked for the completion of a title by such factor to any lands forming the whole or part of the estate to be managed by such judicial factor, or where a judicial factor has applied or shall apply, by petition or note to the said Court, for authority to complete a title to such lands, either in his own person as judicial factor, or in the person of any [^{F31}person under legal disability by reason of nonage], or [^{F32}person suffering from mental disorder within the meaning of the Mental Health (Scotland) Act 1960] to whom he may have been appointed judicial factor, and where any petition or note has specified and described or shall specify and describe the lands to which such title is to be completed, or has referred or shall refer to the description of the same, in the form, or as nearly as may be in the form ^{F33}... of schedule (G.) hereto annexed, as the case may be, the warrant granted for completing such title shall also so specify and describe the lands to which such title is to be completed, or shall so refer to the description thereof; and such warrant shall be held to be a conveyance in due and common form of the lands therein specified in favour of such judicial factor granted by the person, whether in life or deceased, whose estate is under judicial management, or where the estate is that of a [^{F31}person under legal disability by reason of nonage], or [^{F32}person suffering from mental disorder within the meaning of the ^{M3}Mental Health (Scotland) Act 1960] in whose person a title has not been made up, such warrant shall be held to be such a conveyance in favour of the [^{F31}person under legal disability by reason of nonage], or [^{F32}person suffering from mental disorder within the meaning of the Mental Health (Scotland) Act 1960] or of the judicial factor appointed to such [^{F31}person under legal disability by reason of nonage], or [^{F32}person suffering from mental disorder within the meaning of the ^{M4}Mental Health (Scotland) Act 1960] as the case may be, granted by a predecessor or author having such title, or where such judicial factor has been or shall be appointed on an estate which shall have been vested in a trustee or former judicial factor, such warrant shall be held to be such a conveyance granted by such trustee or former factor, whether in life or deceased, for the purposes of such estate or trust, or factory ^{F33}... and such warrant may ^{F34}... be recorded in the appropriate register of sasines as a conveyance in favour of such judicial factor, or [^{F31}person under legal disability by reason of nonage], or [^{F32}person

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suffering from [^{F35}mental or other incapacity]] or of the factor on his estate, and being so recorded shall have the same force and effect as if at the date of such recording such conveyance had been granted to the judicial factor, or [^{F31}person under legal disability by reason of nonage], or [^{F32}person suffering from mental disorder within the meaning of the Mental Health (Scotland) Act 1960] or the judicial factor appointed to such [^{F31}person under legal disability by reason of nonage], or [^{F32}person suffering from mental disorder within the meaning of the Mental Health (Scotland) Act 1960] as the case may be, and recorded in the appropriate register of sasines: Provided always, that for enabling the person in whom such lands were last vested, or his representatives, or other parties interested, to bring forward competent objections against such warrant being granted, or claims upon the estate, the Court shall order such intimation and service of the petition or note as to them shall seem proper: Declaring always, that the whole enactments and provisions herein contained shall extend and apply to all petitions to and warrants by the Court of Session under [^{F36}the ^{M5}Trusts (Scotland) Act 1921] unless in so far as such provisions and enactments may be inapplicable to the form or objects of such petitions or warrants.]

Textual Amendments

- F30** S. 24 substituted by Titles to [Land Consolidation \(Scotland\) Amendment Act 1869 \(c. 116\)](#), **s. 3**
- F31** Words in s. 24 substituted (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\)](#), ss. 10(1), 11(2), **Sch. 1 para. 19** (with s. 1(3))
- F32** Words substituted by [Mental Health \(Scotland\) Act 1960 \(c. 61\)](#), **Sch. 4**
- F33** Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)
- F34** Words in s. 24 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 8(8)**, **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F35** Words in s. 24 substituted (2.4.2001) by 2000 asp 4, s. 88(2), **Sch. 5 para. 5(1)**; S.S.I. 2001/81, art. 2, **Sch. 1**
- F36** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), **s. 17(2)(a)**

Modifications etc. (not altering text)

- C8** S. 24 amended by [Conveyancing \(Scotland\) Act 1924 \(c. 27\)](#), **s. 5(3)(b)**; applied *ibid.*, s. 24(6)

Marginal Citations

- M3** 1960 c. 61.
- M4** 1960 c. 61.
- M5** 1921 c. 58.

[^{F37}25 Deduction of title by liquidator

The liquidator in the winding up of a company shall, for the purposes of sections 3 (disposition etc. by person with unrecorded title) and 4 (completion of title) of the Conveyancing (Scotland) Act 1924 (c.27) (including those sections as applied to registered leases by section 24 of that Act), be taken to be a person having right to any land belonging to the company.]

Textual Amendments

- F37** S. 25 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 8(9)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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26 Heritable property conveyed for religious or educational purposes to vest in disponees or their successors.

Wherever lands have been or may hereafter be acquired by any congregation, society, or body of men associated for religious purposes, or for the promotion of education, including the general assemblies, synods, and presbyteries of the Established Church of Scotland, and of all other Presbyterian churches in Scotland, as a chapel, meeting house, or other place of worship, or as a manse or dwelling house for the minister of such congregation or society or body of men, or offices, garden, or glebe for his use, or as a schoolhouse or schoolmaster's house, garden, or playground, or as a college, academy, or seminary, or as a hall or rooms for meeting for the transaction of business, or as part of the property belonging to such congregation, society, or body of men, and wherever the conveyance or lease of such lands has been or may be taken in favour of the moderator, minister, kirk session, vestrymen, deacons, managers, or other office bearers or office bearer of such congregation or society or body of men, or any of them, or of trustees appointed or to be from time to time appointed, or of any party or parties named in such conveyance or lease in trust for behoof of the congregation or society or body of men, or of the individuals comprising the same, such conveyance, when recorded ^{F38} ... in terms of this Act, or such lease, shall not only vest the party or parties named therein in the lands, thereby ^{F38} ... conveyed, or leased, but shall also, after the death or resignation or removal from office of such party or parties, or any of them, effectually vest their successors in office for the time being chosen and appointed in the manner provided or referred to in such conveyance or lease, or if no mode of appointment be therein set forth or prescribed, then in terms of the rules or regulations of such congregation or society or body of men, in such lands, subject to such and the like trusts and with and under the same powers and provisions as are contained or referred to in the conveyance or lease given and granted to the parties disponees or lessees therein, and that without any transmission or renewal of the investiture whatsoever, anything in such conveyance or lease contained to the contrary notwithstanding: And the provisions of this section shall apply also to all trusts for the maintenance, support, or endowment of ministers of religion, missionaries, or schoolmasters, or for the maintenance of the fabric of churches, chapels, meeting houses, or other places of worship, or of manses or dwelling houses or offices for ministers of the gospel, or of schoolhouses or schoolmasters houses, or other like buildings.

Textual Amendments

F38 Words in s. 26 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(10), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

[^{F39}26A Application for declarator of succession as heir in general or to specified lands

On an application being made by any person having an interest, the Sheriff of Chancery may, if satisfied that—

- (a) such deceased person as may be specified in the application died before 10th September 1964 and that person either—
 - (i) was domiciled in Scotland at the date of his death; or
 - (ii) was the owner of lands situated in Scotland to which the application relates; and

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- (b) the applicant, or as the case may be such person as may be specified in the application, has succeeded as heir to that deceased, and is either—
- (i) heir in general; or
 - (ii) heir to such lands as may be specified in the application,
- grant declarator that the applicant, or as the case may be such person as may be specified in the declarator, is the heir in general or heir to the lands so specified.]

Textual Amendments

F39 Ss. 26A-26C inserted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 68, 71, 77(2) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

[^{F39}26B Application for declarator of succession as heir to last surviving trustee under a trust

On an application being made under this section, the Sheriff of Chancery may, if satisfied that—

- (a) such deceased person as may be specified in the application was the last surviving trustee named in, or assumed under, a trust;
 - (b) the trust provides for the heir of such last surviving trustee to be a trustee;
 - (c) either—
 - (i) the trust is governed by the law of Scotland; or
 - (ii) lands subject to the trust and to which the application relates are situated in Scotland; and
 - (d) the applicant has succeeded as heir to the deceased,
- grant declarator that the applicant is the heir of the deceased and accordingly is a trustee under the trust.]

Textual Amendments

F39 Ss. 26A-26C inserted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 68, 71, 77(2) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

[^{F39}26C Construction of reference to service of heir

A reference in any enactment or deed to a decree of service of heir (however expressed) shall include a reference to a declarator granted under section 26A or 26B of this Act.]

Textual Amendments

F39 Ss. 26A-26C inserted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 68, 71, 77(2) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F40}27 Services to proceed by petition to the Sheriff.

.....

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Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 28 **Petition to be presented to the Sheriff of the county or to the Sheriff of Chancery.**

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 29

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 30

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 31 **Caveats to be received.**

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 32 **Petition of service to be equivalent to a brieve and claim.**

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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F4033 Procedure before the Sheriff, and the effect of his judgment.

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F4034

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F4035 Competing petition may be presented, and Sheriff, after receiving evidence, give judgment.

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F4036 Recording and extract of judgment.

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F4037 The extract decree to be equivalent to an extract retour.

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F4038 Transmission of records.

.....

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Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

39 **F41**

Textual Amendments

F41 S. 39 repealed by Statute Law Revision Act 1950 (c. 6); and expressed to be repealed (*prosp.*) by 2000 asp 5, ss. 76(1)(2), 77(2)(a)(c)(d), Sch. 12 Pt. 1 para. 8(11), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

F40 40 **No person entitled to oppose a service who could not appear against a brieve of inquest.**

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 41 **Appeal for jury trial.**

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 42 **Where Sheriff refuses to serve petitioner, &c., judgment may be reviewed.**

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 43 **Procedure when a decree of service is brought under reduction.**

.....

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Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 44 Forms and effect of procedure in the Court of Session.

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 45 The Court of Session Act 1868, to apply to appeals and reductions, &c. under this Act.

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 46 A decree of special service, besides operating as a retour, shall have the operation and effect of a disposition from the deceased to his heirs and assignees.

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 47 A special service not to infer a general representation, either active or passive.

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F40 48 Petitioner for special service may petition for general service.

.....

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Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

49 **F42**

Textual Amendments

F42 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos.1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#); and expressed to be repealed (*prosp.*) by [2000 asp 5](#), ss. 76(1)(2), 77(2)(a)(c)(d), Sch. 12 Pt. 1 para. 8(11), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

F40 **50** **Jurisdiction of the Sheriff of Chancery.**

.....

Textual Amendments

F40 Ss. 27-50 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

51 **Power to the Court of Session to pass acts of sederunt.**

It shall be competent to the ^{F43}... Court of Session and they are hereby authorized and required from time to time to pass such acts of sederunt as shall be necessary or proper for regulating in all respects the proceedings under this Act before the Sheriff of Chancery ^{F43}....

Textual Amendments

F43 Words in s. 51 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(12), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

52 **F44**

Textual Amendments

F44 Ss. 52, 54, 55, 151, 153, repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), **Sch. Pt. XIV**

53 **F45**

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Textual Amendments

F45 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos.1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

54, 55. **F46**

Textual Amendments

F46 Ss. 52, 54, 55, 151, 153, repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), **Sch. Pt. XIV**

56, 57. **F47**

Textual Amendments

F47 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos.1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

58 **F48**

Textual Amendments

F48 Ss. 58, 60, 61, 84–86, 101–103, 125, 128, 160, Schs. (U.), (W.), (DD.), (EE.), (II.) repealed by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, **Sch. 3**

59 Unnecessary to libel and conclude for decree of special adjudication.

“Whereas it is inconvenient in practice to libel and conclude for general adjudication of lands as the alternative only of special adjudication, in terms of an Act of the Parliament of Scotland passed in the year one thousand six hundred and seventy-two:” It shall not be necessary to libel or conclude for special adjudication, and it shall be lawful to libel and conclude and decern for general adjudication without such alternative, anything in the said last-recited Act of the Parliament of Scotland, or in any other Act or Acts of the Parliament of Scotland or of Great Britain or of the United Kingdom of Great Britain and Ireland, to the contrary notwithstanding.

60, 61. **F49**

Textual Amendments

F49 Ss. 58, 60, 61, 84–86, 101–103, 125, 128, 160, Schs. (U.), (W.), (DD.), (EE.), (II.) repealed by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, **Sch. 3**

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[^{F50}62 **Effect of a decree of adjudication or sale.**

In all cases a decree of adjudication, whether for debt or in implement, or a decree of constitution and adjudication, whether for debt or in implement, if duly obtained in the form prescribed by this Act, or obtained, if prior to the commencement of this Act, in the form then in use, or a decree of declarator and adjudication, or a decree of sale, shall, except in the case where the subjects contained in the decree of adjudication, or of constitution and adjudication, or of declarator and adjudication, are heritable securities, be held equivalent to and shall have the legal operation and effect of a conveyance in ordinary form of the lands therein contained granted in favour of the adjudger or purchaser by the ancestor of such apparent heir, or by the owner or proprietor in trust or otherwise, and whether in life or deceased, of the lands adjudged, or by the seller of the lands sold, although [^{F51}under legal disability by reason of nonage] or [^{F52}mental or other incapacity] . . . [^{F53}and it shall be lawful and competent to such adjudger or purchaser to complete [^{F54}title by recording the decree as a conveyance or by using the decree as a midcouple or link of title.]]

Textual Amendments

- F50** S. 62 which was substituted by [Conveyancing \(Scotland\) Act 1874 \(c. 94\)](#), s. 62 is now repealed in so far as relating to any such decree as is therein mentioned obtained in relation to lands forming part of the estate of a deceased person by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, **Sch. 3**
- F51** Words in s. 62 substituted (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\)](#), ss. 10(1), 11(2), **Sch. 1 para. 20** (with s. 1(3))
- F52** Words in s. 62 substituted (2.4.2001) by 2000 asp 4, s. 88(2), **Sch. 5 para. 5(2)**; S.S.I. 2001/81, art. 2, **Sch. 1**
- F53** Words repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)
- F54** Words in s. 62 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 8(13)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

[^{F55}63 **Signatures for Crown writs abolished.**

.....

Textual Amendments

- F55** Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 8(14)**, **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

[^{F55}64 **Crown writs to be obtained by lodging a draft thereof and note along with the title deeds.**

.....

Textual Amendments

- F55** Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 8(14)**, **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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^{F55}**65 Draft Crown writ to be revised.**

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55}**66 Rectification of mistakes in former titles.**

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55}**67 †Intimation of proposed rectification to be made to solicitor for Commissioners of Woods and Forests.**

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55}**68 Presenter of signatures, &c. may refer to copy of writ when withheld.**

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55}**69 Amount of Crown duties to be fixed.**

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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F5570 Clerk's fees.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F5571 Copy of revised draft to be furnished to the party.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F5572 If no objections, the revised draft to be attested, and the Crown writ prepared.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F5573 Crown writs may be applied for at any time.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F5574 Objections, if any, to draft Crown writ to be by a note.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F5575 Objections, how to be disposed of.

.....

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Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F55 76 Procedure if objections repelled.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F55 77 Refusal to revise, how to be complained of.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F55 78 Crown writ as revised to be engrossed and delivered.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F55 79 Crown writ to be valid.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

80— **F56**
82.

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Textual Amendments

F56 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos.1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#); and ss. 80-82 expressed to be repealed (*prosp.*) by [2000 asp 5](#), ss. 76(1)(2), 77(2)(a)(c)(d), Sch. 12 Pt. 1 para. 8(14), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

^{F55}**83** †**Crown writs and Crown charters may be in the forms given in Schedule (T).**

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

PROSPECTIVE

84—

86. ^{F55}

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55}**87** **Register of Crown writs to be kept.**

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55}**88** †**Crown charters or writs of novodamus, how to be obtained.**

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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89

F57

Textual Amendments

F57 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos.1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#); and s. 89 expressed to be repealed (*prosp.*) by [2000 asp 5](#), ss. 76(1)(2), 77(2)(a)(c)(d), Sch. 12 Pt. 1 para. 8(14), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

^{F55}**90** **Writs to be in the English language.**

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55}**91** **Court of Session to frame regulations.**

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

92

F58

Textual Amendments

F58 S. 92 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#); and s. 92 expressed to be repealed (*prosp.*) by [2000 asp 5](#), ss. 76(1)(2), 77(2)(a)(c)(d), Sch. 12 Pt. 1 para. 8(14), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

^{F55}**93** **Power to Prince and Steward of Scotland to appoint his own presenter of signatures, &c.**

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

94, 95.

F59

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Textual Amendments

F59 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos.1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#); and ss. 94, 95 expressed to be repealed (*prosp.*) by [2000 asp 5](#), ss. 76(2), 77(2)(a)(d), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

F55 **96** **Substitute to be appointed to Sheriff of Chancery, &c. in event of absence or disability.**

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

97— **F60**
99.

Textual Amendments

F60 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos.1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#); and ss. 97-99 expressed to be repealed (*prosp.*) by [2000 asp 5](#), ss. 76(2), 77(2)(a)(d), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

F55 **100** **All writs and charters from subject superior may refer tenendas and reddendo.**

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

101— **F61**
103.

Textual Amendments

F61 Ss. 58, 60, 61, 84-86, 101–103, 125, 128, 160, Schs. (U.), (W.), (DD.), (EE.), (II.) repealed by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, **Sch. 3**; and ss. 101-103 expressed to be repealed (*prosp.*) by [2000 asp 5](#), ss. 76(2), 77(2)(a)(d), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

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- F55 104 Where subject superior's title incomplete, owner may in certain cases apply to Lord Ordinary on the Bills to ordain superior to complete his title and grant an entry under pain of forfeiture.**
-

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

- F55 105 Owner may in such case apply to Lord Ordinary on Bills to authorize application for an entry by the Crown or mediate over superior as in vice of the recusant superior.**
-

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

- F55 106 Lands to be held temporarily of the Crown or mediate superior.**
-

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

- F55 107 The party in right of the superiority may lodge a minute tendering relinquishment of his right, and if accepted by the petitioner the Lord Ordinary may interpose his authority.**
-

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

- F55 108 Over superior's rights not to be extended or affected.**
-

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Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55}109 Vassal obtaining or accepting forfeiture or relinquishment of superiority to be liable for its value, but forfeiture, &c. not to infer representation.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55}110 Mode of relinquishing superiorities.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55}111 Investiture by over superior.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55}112 Applications of price of entailed superiorities.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55}113 Providing for payment in lieu of casualties of superiority in case of lands conveyed for religious purposes.

.....

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Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F55} 114 †Writs of confirmation &c. by subject superiors to be tested.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

115

^{F62}

Textual Amendments

F62 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos.1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#); and s. 115 expressed to be repealed (*prosp.*) by [2000 asp 5](#), ss. 76(2), 77(2)(a)(d), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

^{F55} 116 †Stamp duty on writs of confirmation, &c. 1857 c. 26.

.....

Textual Amendments

F55 Ss. 63-116 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(14), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

[^{F63} 117 Heritable security in succession of creditor in the security

In the succession of the creditor in a heritable security, the security shall be moveable estate; except that in relation to the legal rights of the spouse, or of the descendants, of the deceased it shall be heritable estate.]

Textual Amendments

F63 S. 117 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 8(15)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F64} 118 Bonds and dispositions in security may be granted in the form No. 1. of Schedule (FF.)

.....

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Textual Amendments

F64 S. 118 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(16), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F65}119 Explanation of clauses in Schedule (FF.) No. 1.

.....

Textual Amendments

F65 S. 119 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(16), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

120 Securities may be registered during lifetime of grantee, or title completed after his death.

Heritable securities ^{F66}... may be registered in the appropriate register of sasines at any time during the lifetime of the grantee, and shall in competition be preferred according to the date of the registration thereof ^{F66}....

Textual Amendments

F66 Words in s. 120 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(17), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F67}121 Sale carried through in terms of this Act to be valid to the purchaser.

.....

Textual Amendments

F67 Ss. 121-127 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F67}122 Creditors selling to count and reckon for the surplus of the price and to consign the same in the bank.

.....

Textual Amendments

F67 Ss. 121-127 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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F67 123 On sale, &c. lands to be disencumbered of the security.

.....

Textual Amendments

F67 Ss. 121-127 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F67 124 Securities to be transferred in the form prescribed.

.....

Textual Amendments

F67 Ss. 121-127 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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F68

Textual Amendments

F68 Ss. 58, 60, 61, 84–86, 101–103, 125, 128, 160, Schs. (U.), (W.), (DD.), (EE.), (II.) repealed by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, **Sch. 3**; and s. 125 expressed to be repealed (*prosp.*) by [2000 asp 5](#), ss. 76(2), 77(2)(a)(d), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

F67 126 Completion of title of executors, &c. of creditor dying intestate.

.....

Textual Amendments

F67 Ss. 121-127 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F67 127 Executor nominate or disponee mortis causa may complete title by notarial instrument.

.....

Textual Amendments

F67 Ss. 121-127 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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F69

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Textual Amendments

F69 Ss. 58, 60, 61, 84–86, 101–103, 125, 128, 160, Schs. (U.), (W.), (DD.), (EE.), (II.) repealed by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, [Sch. 3](#)

[^{F70}**129 Adjudgers may complete their title by recording abbreviate of adjudication.**

In all cases of adjudication, whether for debt or in implement, or of constitution and adjudication whether for debt or in implement, in which the adjudger has obtained a decree of adjudication or of constitution and adjudication in the manner and to the effect provided by this Act, or in cases of declarator and adjudication, where the subjects contained in any such decree are heritable securities, it shall be competent for the adjudger to complete his title to such securities by recording either the abbreviate of adjudication or an extract of such decree in the appropriate register of sasines, in either of which cases he shall be in the same position as if an assignation of such heritable securities had been granted in his favour by the ancestor or person or creditor in trust or otherwise, and whether in life or deceased, whose estate is adjudged, and as if such assignation had been duly recorded in the appropriate register of sasines at the date of so recording such abbreviate or such extract decree.]

Textual Amendments

F70 S. 129 was substituted by [Conveyancing \(Scotland\) Act 1874 \(c. 94\)](#), s. 65 and repealed so far as relating to actions of constitution and adjudication by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37 [Sch. 3](#)

^{F71}**130 Unregistered security or assignation to be available to executors, &c. of grantee.**

.....

Textual Amendments

F71 Ss. 130-137 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F71}**131 Act not to affect liability of debtors on their lands.**

.....

Textual Amendments

F71 Ss. 130-137 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F71}**132 How any heritable security may be renounced or discharged.**

.....

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.
Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

Textual Amendments

F71 Ss. 130-137 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F71 133 Heritable security how restricted.

.....

Textual Amendments

F71 Ss. 130-137 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F71 134 Act to apply to all heritable securities.

.....

Textual Amendments

F71 Ss. 130-137 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F71 135 Parties may use the present forms if they see fit.

.....

Textual Amendments

F71 Ss. 130-137 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

136

F72

Textual Amendments

F72 S. 136 repealed by [Burgh Registers \(Scotland\) Act 1926 \(c. 50\)](#), **Sch. 2**; and s. 136 expressed to be repealed (*prosp.*) by [2000 asp 5](#), ss. 76(2), 77(2)(a)(d), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

F71 137 Act to apply to lands held by any description of tenure.

.....

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Textual Amendments

F71 Ss. 130-137 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 8\(18\)](#), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

138 Short clauses of consent to registration may be used in any deed.

The short clauses of consent to registration for preservation, and for preservation and execution, contained in [^{F73}form No. 1] of schedule (B.) hereto annexed, when occurring in any deed or conveyance under this Act, or in any deed or writing or document of whatsoever nature, and whether relating to lands or not, shall unless specially qualified import a consent to registration and a procuratory of registration in the books of council and session, or other judges books competent, therein to remain for preservation; and also, if for execution, that [^{F74}, upon the issue of an extract containing a warrant for execution, all lawful execution shall pass thereon].

Textual Amendments

F73 Words in s. 138 substituted (28.11.2004) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 122(1), 129(2), [sch. 14 para. 2](#) (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)

F74 Words substituted by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108(1), [Sch. 6 para. 7](#)

Modifications etc. (not altering text)

C9 S. 138 excluded by [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c. 35\)](#), s. 32, [Sch. 8 para. 15](#)

^{F75}**139**

Textual Amendments

F75 S. 139 repealed (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\)](#), ss. 10(2), 11(2), [Sch. 2](#) (with s. 1(3)) and expressed to be repealed (1.8.1995) by 1995 c. 7, s. 14(2), [Sch. 5](#) (with ss. 9(3)(5)(7), 13, 14(3))

140 Additional sheets may be added to writs.

In all cases where writs or deeds of any description are by this or any other Act permitted or directed to be engrossed on any conveyance or deed, it shall be competent, when necessary, to engross such deeds or writs on a sheet or sheets of paper, or of whatever other material the conveyance itself consists, added to such conveyance, provided that the engrossing of the deed or writ shall be commenced on some part of the conveyance or deed itself on which it is permitted or directed to be engrossed; and the first of such additional sheets shall be chargeable with the stamp duty applicable to the writ or deed partly engrossed thereon ^{F76}....

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Textual Amendments

- F76** Words in s. 140 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(19), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F77} 141 †All deeds, &c. recorded in register of sasines to have warrants of registration endorsed, except certain burgage deeds.

.....

Textual Amendments

- F77** S. 141 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(18), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

- C10** Unreliable Marginal Note.

142 Recording of conveyances in the register of sasines authorized.

All conveyances and deeds ^{F78}... authorized to be recorded in the register of sasines, may ^{F78}... be recorded at any time in the life of the person on whose behalf the [^{F79}application for registration of such conveyance or deed is made and on such application the conveyance or deed] shall be presented for registration [^{F80}and] when presented for registration shall be forthwith shortly registered in the minute books of the said register in common form, and shall with all due despatch be fully registered in the register books, and thereafter redelivered to the parties with certificates of due registration thereon, which shall specify the date of presentation, and the book and folios in which the engrossment has been made ^{F81}... and shall be probative of such registration, and when so registered shall in competition be preferable according to the date of registration, and the date of entry in the minute book shall be held to be the date of registration: Provided, that where two or more [^{F82}applications for registration of] deeds or conveyances ^{F83}... shall be received by the keeper of the register of sasines [^{F84}on the same day], the entries ^{F85}... in the presentment book and minute book [^{F86}for the conveyances or deeds in respect of which such applications are made] shall be of the same year, month, [^{F84}and day], and such deeds and conveyances shall be deemed and taken to be presented and registered contemporaneously; ^{F87}...

Textual Amendments

- F78** Words in s. 142 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(20)(a), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F79** Words in s. 142 substituted (3.12.2004) by [The Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(Consequential Provisions\) Order 2004 \(S.S.I. 2004/535\)](#), art. 1, **sch. para. 2(a)**
- F80** Word in s. 142 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 8(20)(b)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F81** Words repealed retrospectively by [Public Registers and Records \(Scotland\) Act 1950 \(14 Geo. 6 c. 11\)](#), **Sch.**
- F82** Words in s. 142 inserted (3.12.2004) by [The Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(Consequential Provisions\) Order 2004 \(S.S.I. 2004/535\)](#), art. 1, **sch. para. 2(b)**

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- F83** Words repealed by [Land Registration \(Scotland\) Act 1979 \(c. 33\)](#), **Sch. 4**
- F84** Words substituted by [Land Registration \(Scotland\) Act 1979 \(c. 33\)](#), **Sch. 2 para. 2**
- F85** Word in s. 142 omitted (3.12.2004) by virtue of [The Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(Consequential Provisions\) Order 2004 \(S.S.I. 2004/535\)](#), art. 1, **sch. para. 2(c)**
- F86** Words in s. 142 inserted (3.12.2004) by [The Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(Consequential Provisions\) Order 2004 \(S.S.I. 2004/535\)](#), art. 1, **sch. para. 2(d)**
- F87** Words repealed by [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c. 35\)](#), **Sch. 11 Pt. III**

[^{F88}143 Recording anew

Where there is an error or defect in recording a deed or conveyance in the Register of Sasines it shall be competent to record it anew.]

Textual Amendments

- F88** S. 143 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 8(21)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F89}144 Recorded instruments not to be challenged on the ground of erasures.

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Textual Amendments

- F89** Ss. 144-147 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 8(22)**, **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F89}145 Not competent to challenge existing warrants of registration on certain grounds.

.....

Textual Amendments

- F89** Ss. 144-147 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 8(22)**, **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F89}146 Obligations appointed to be inserted in instruments of sasine shall be inserted in notarial instruments.

.....

Textual Amendments

- F89** Ss. 144-147 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 8(22)**, **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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F89 147 Prohibition against sub-infeudation not to be affected.

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Textual Amendments

F89 Ss. 144-147 repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(22), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

148

F90

.....

Textual Amendments

F90 S. 148 repealed by Bankruptcy (Scotland) Act 1985 (c. 66, SIF 66), s. 75(2), **Sch. 8**

149

F91

.....

Textual Amendments

F91 S. 149 repealed (1.8.1995) by 1995 c. 7, s. 14(2), **Sch. 5**

F92 150 Debts affecting lands exchanged for other lands to affect such other lands in lieu thereof.

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Textual Amendments

F92 Ss. 150-154 repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(22), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

151

F93

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Textual Amendments

F93 Ss. 52, 54, 55, 151, 153, repealed by Statute Law (Repeals) Act 1975 (c. 10), **Sch. Pt. XIV**; and s. 151 expressed to be repealed (*prosp.*) by 2000 asp 5, ss. 76(2), 77(2)(a)(d), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

F92 152 Provision for lands in the burgh of Paisley held by booking tenure.

.....

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Textual Amendments

F92 Ss. 150-154 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(22), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

153

F94

Textual Amendments

F94 Ss. 52, 54, 55, 151, 153, repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), **Sch. Pt. XIV**; and s. 153 expressed to be repealed (*prosp.*) by [2000 asp 5](#), ss. 76(2), 77(2)(a)(d), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

F92 154 **Official acts of town clerks and keepers of registers of sasines not to be affected by their personal interests in recorded writs.**

.....

Textual Amendments

F92 Ss. 150-154 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(22), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

[F95 155 **Date on which inhibition takes effect**

- (1) An inhibition has effect from the beginning of the day on which it is registered unless the circumstances referred to in subsection (2) below apply.
- (2) Those circumstances are—
 - (a) a notice of inhibition is registered in the Register of Inhibitions;
 - (b) the schedule of inhibition is served on the debtor after that notice is registered; and
 - (c) the inhibition is registered before the expiry of the period of 21 days beginning with the day on which the notice is registered.
- (3) In those circumstances the inhibition has effect from the beginning of the day on which the schedule of inhibition is served.
- (4) A notice of inhibition must be in (or as nearly as may be in) the form prescribed.]

Textual Amendments

F95 S. 155 substituted (S.) (1.4.2008 for specified purposes, 22.4.2009 in so far as not already in force) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), **ss. 149, 227(3)** (with s. 223); S.S.I. 2008/115, art. 3(4), sch. 3 (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by S.S.I. 2009/67, art. 7; (31.1.2011) by S.S.I. 2011/31, art. 5(a); and (4.10.2014) by S.S.I. 2014/173, arts. 1(2), 3); S.S.I. 2009/67, art. 3(1)(a) (with arts. 4-6) (as amended (31.1.2011) by S.S.I. 2011/31, art. 5(b))

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F96 156 Short form of letters of inhibition.

.....

Textual Amendments

F96 S. 156 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(22), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

157 No inhibition to have effect against acquirenda, unless in case of heir under entail or other indefeasible title.

No inhibition to be recorded from and after the thirty-first day of December one thousand eight hundred and sixty-eight shall have any force or effect as against any lands to be acquired by the person or persons against whom such inhibition is used after the date of recording such inhibition, or of recording the previous notice thereof prescribed by this Act, as the case may be: Provided always, that where such inhibition is used against a person or persons who shall thereafter succeed to any lands which, at the date of recording the inhibition or previous notice thereof, as the case may be, were destined to such person or persons by a deed of entail, or by a similar indefeasible title, then and in that case such inhibition shall affect the said person or persons in so far as regards the lands so destined, and to which he or they shall succeed as aforesaid, but no further.

158 Inhibitions on depending summons to be recalled on petition to Lord Ordinary.

F97

Textual Amendments

F97 S. 158 repealed (S.) (5.9.1994) by [S.I. 1994/1443](#), art. 3(2), **Sch. 4**

159 Litigiosity not to begin before date of registration of notice of summons.

It shall be competent to register in the general register of inhibitions a notice of any signeted summons of reduction of any conveyance or deed of or relating to lands, and in the register of adjudications a notice of any signeted summons of adjudication or of constitution and adjudication combined for debt or in security or in implement, which notice shall [^{F98}be in (or as nearly as may be in) the form prescribed]; and no summons of reduction, constitution, adjudication, or constitution and adjudication combined, shall have any effect in rendering litigious the lands to which such summons relates, except from and after the date of the registration of such notice.

Textual Amendments

F98 Words in s. 159 substituted (1.4.2008 for specified purposes) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), **ss. 164(1)**, 227(3) (with s. 223); S.S.I. 2008/115, art. 3(4), sch. 3 (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3)

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Modifications etc. (not altering text)

C11 S. 159 amended by [Conveyancing \(Scotland\) Act 1924 \(c. 27\), s. 44\(6\)](#)

[^{F99}159A Registration of notice of summons of action of reduction

- (1) This section applies where a pursuer raises an action of reduction of a conveyance or deed of or relating to lands granted in breach of an inhibition.
- (2) The pursuer shall, as soon as is reasonably practicable after the summons in the action is signeted—
 - (a) register a notice of that signeted summons in accordance with section 159 of this Act; and
 - (b) register in the Land Register of Scotland or, as the case may be, record in the Register of Sasines a copy of that notice.
- (3) Where a decree of reduction is not obtained in the action to which the notice relates, the pursuer shall, as soon as is reasonably practicable—
 - (a) register in the Register of Inhibitions; and
 - (b) register in the Land Register of Scotland or, as the case may be, record in the Register of Sasines,a discharge of that notice in (or as nearly as may be in) the form prescribed.]

Textual Amendments

F99 S. 159A inserted (1.4.2008 for specified purposes) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\), ss. 162, 227\(3\)](#) (with s. 223); S.S.I. 2008/115, art. 3(4), sch. 3 (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by S.S.I. 2009/67, art. 7; (31.1.2011) by S.S.I. 2011/31, art. 5(a); and (4.10.2014) by S.S.I. 2014/173, arts. 1(2), 3)

[^{F100}159B Power of the Scottish Ministers to prescribe forms

- (1) In sections 155, 159 and 159A of this Act, “prescribed” means prescribed by the Scottish Ministers by regulations.
- (2) The power conferred on the Scottish Ministers to make regulations under subsection (1) above is exercisable by statutory instrument.
- (3) A statutory instrument containing regulations made under subsection (1) above is subject to annulment in pursuance of a resolution of the Scottish Parliament.]

Textual Amendments

F100 S. 159B inserted (1.4.2008 for specified purposes) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\), ss. 164\(2\), 227\(3\)](#) (with s. 223); S.S.I. 2008/115, art. 3(4), sch. 3 (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by S.S.I. 2009/67, art. 7; (31.1.2011) by S.S.I. 2011/31, art. 5(a); and (4.10.2014) by S.S.I. 2014/173, arts. 1(2), 3)

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Textual Amendments

F101 Ss. 58, 60, 61, 84–86, 101–103, 125, 128, 160, Schs. (U.), (W.), (DD.), (EE.), (II.) repealed by Succession (Scotland) Act 1964 (c. 41), s. 37, **Sch. 3**

^{F102}**161 Judgment of Lord Ordinary on the Bills subject to review of Inner House, and judgments in certain cases to be final.**

.....

Textual Amendments

F102 Ss. 161-163 repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(22), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F102}**162 Court of Session may fix and regulate fees.**

.....

Textual Amendments

F102 Ss. 161-163 repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(22), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

^{F102}**163 Old forms of conveyances may be used.**

.....

Textual Amendments

F102 Ss. 161-163 repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(22), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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SCHEDULES REFERRED TO IN FOREGOING ACT

SCHEDULE (A.)

NO.1..... F103

Textual Amendments

F103 Sch. (A.) No. 1 repealed by [Statute Law Revision Act 1894 \(c. 56\)](#)

NO. 2.

C A P. XXXV.

F104

Textual Amendments

F104 Sch. (A.) No. 2 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (B.)

NO. 1

Formal Clauses of a Disposition of Land, etc F105

Textual Amendments

F105 Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

[*After the inductive and dispositive clauses, the deed may proceed thus:*] With entry at the term of [*here specify the date of entry*],^{F106} ...^{F105} ... and I assign the writs, and have delivered the same according to inventory; and I assign the rents; and I bind myself to free and relieve the said disponee and his foresaids of all^{F106} ... public burdens; and I grant warrandice; and I consent to registration hereof for preservation [*or for preservation and execution*]. [^{F107}Testing clause+.

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Textual Amendments

F106 Words in Sch. (B.) No. 1 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F107 Words in Sch. (B.) No. 1 substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4**, para. 16 (with ss. 9(3)(5)(7), 13, 14(3))

+Note—Subscription of the document by the grantor of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995.)

Note.- The clauses are assumed here as occurring in a disposition, but they may be used in other deeds and conveyances; and in the event of it being necessary to omit, vary, or qualify any one or more of them, this may be done, and the other clauses may be retained

No. 2

Formal Clauses of a Disposition of Land, etc., held Burgage

F108
...

Textual Amendments

F108 Sch. (B.) No. 2 repealed (28.11.2004) by virtue of [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (C.)

Clause of Reference to Destinations and Conditions of Entail, etc.

F109
...

Textual Amendments

F109 Sch. (C.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (D.)

Clause of Reference to Real Burdens, Conditions, &c., in Investiture

F110
...

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

Textual Amendments

F110 Sch. (D.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (E.)

F111
...

Textual Amendments

F111 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos. 1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

SCHEDULE (F.)

No. 1

Clause of Direction specifying Part of Deed which Grantor desires to be recorded

And I direct to be recorded in the register of sasines the part of this deed from its commencement to the words [*insert words*] on the line of the page [and also the part from the words [*insert words*] on the line of the page to the words [*insert words*] on the line of the page]. [*Or; I direct the whole of this deed to be recorded in the register of sasines, with the exception of the part [or parts, as the case may be, specifying the part or parts excepted, as above].*]

No. 2

F112
...

Textual Amendments

F112 Schs. (F.) No. 2, (H.) repealed by [Conveyancing \(Scotland\) Act 1924 \(c. 27, SIF 98:1\)](#), s. 10(7) and the form of Warrant of Registration provided therein is substituted as mentioned in s. 10(1) of that Act.

SCHEDULE (G.)

Modifications etc. (not altering text)

C12 Sch. (G.) extended by [Conveyancing and Feudal Reform \(S.\) Act 1970 \(c. 55\)](#), s. 28(5); excluded by [Land Registration \(Scotland\) Act 1979 \(c. 33\)](#), s. 15(1)

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

Clause of Reference to Conveyance, containing general Designation of Lands.

[After giving the general name or names of the lands and the name of the county, or burgh and county, as the case may be, add] as particularly described in the disposition [or other deed, as the case may be] granted by C.D., and bearing date [here insert date], and recorded in the [specify the register of sasines] on the day of in the year , and in which the lands hereby conveyed are declared to be designed and known by the said name of, [here insert name], [or “as particularly described in the instrument (specify instrument) recorded, &c., and in which the lands hereby conveyed are declared.” &c.] [If part only of lands is conveyed, then follow form for similar case given in schedule (E.)]

SCHEDULE (H.)

F113
...

Textual Amendments

F113 Schs. (F.) No. 2, (H.) repealed by [Conveyancing \(Scotland\) Act 1924 \(c. 27, SIF 98:1\)](#), **s. 10(7)** and the form of Warrant of Registration provided therein is substituted as mentioned in s. 10(1) of that Act

SCHEDULE (I.)

F114
...

Textual Amendments

F114 Sch. (I.) repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

SCHEDULE (J.)

Notarial Instrument in favour of Disponee or his Assignee, &c.

F115
...

Textual Amendments

F115 Sch. (J.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

SCHEDULE (K.)

*Instrument of Resignation ad Remanentiam*F116
...**Textual Amendments**

F116 Sch. (K.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (L.)

*Notarial Instrument in Favour of a General Donee, or his Assignee, &c.*F117
...**Textual Amendments**

F117 Sch. (L.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (M.)

F118
...**Textual Amendments**

F118 Sch. (M.) repealed by [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c. 35\)](#), s. 48, **Sch. 11 Pt. II**

SCHEDULE (N.)

*Notarial Instrument in favour of an Assignee to an Unrecorded Conveyance, to be recorded along with the Conveyance*F119
...

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

Textual Amendments

F119 Sch. (N.) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (O.)

Notarial Instrument in favour of a Trustee in a Sequestration or of Liquidators of Joint Stock Companies

F120
...

Textual Amendments

F120 Sch. (O.) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (P.)

Form of Petition of General Service

F121
...

Textual Amendments

F121 Sch. (P.) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (Q.)

Form of Petition of Special Service

F122
...

Textual Amendments

F122 Sch. (Q.) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

SCHEDULE (R.)

F123

...

Textual Amendments

F123 Sch. (R.) repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

SCHEDULE (S.)

F124

...

Textual Amendments

F124 Sch. (S.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (T.)

No. 1

F125

...

Textual Amendments

F125 Sch. (T.) Nos. 1, 3, repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

No. 2

Crown Charter of Resignation

F126

...

Textual Amendments

F126 Sch. (T.) No. 2 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

No. 3

F125

...

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.
Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

NO. 4

Crown Charter of Confirmation

F127
...

Textual Amendments

F127 Sch. (T.) No. 4 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (U.)

F128
...

Textual Amendments

F128 Sch. (U.) repealed by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, **Sch. 3**

SCHEDULE (V.)

F129
...

Textual Amendments

F129 Sch. (V.) repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

SCHEDULE (W.)

F130
...

Textual Amendments

F130 Sch. (W.) repealed by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, **Sch. 3**

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

SCHEDULE (X.)

No. 1

Petition to the Lord Ordinary for Forfeiture of Superiority where Reddendo does not exceed Five Pounds

F131
...

Textual Amendments

F131 Sch. (X.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

No. 2

Interlocutor by Lord Ordinary on above Petition

F131
...

No. 3

Decree by Lord Ordinary on above Petition

F131
...

SCHEDULE (Y.)

No. 1

Petition to the Lord Ordinary for Forfeiture of Feu Duties under or above Five Pounds

F132
...

Textual Amendments

F132 Sch. (Y.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.
Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

No. 2*Interlocutor by Lord Ordinary in above Petition*F132
...**No. 3***Decree by Lord Ordinary in above Petition*F132
...**No. 4***Finding for Expenses in above Petition*F132
...

SCHEDULE (Z.)

No. 1*Writ of Confirmation on Decree of Forfeiture in case of Feu Duties above Five Pounds*F133
...**Textual Amendments**

F133 Sch. (Z.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

No. 2*Writ of Resignation on Decree of Forfeiture in case of Feu Duties above Five Pounds*F133
...

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

SCHEDULE (AA.)

NOS. 1, 2.

F134

Textual Amendments

F134 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos.1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

NO. 3

Writ of Clare constat proceedings on a Decree of Forfeiture or Relinquishment

F135 ...

Textual Amendments

F135 Sch. (AA.) No. 3 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (BB.)

NO. 1

Form of Minute of Relinquishment of Superiority by Apparent Heir

F136 ...

Textual Amendments

F136 Sch. (BB.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

NO. 2

Minute of Acceptance of above Relinquishment

F136 ...

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.
Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

No. 3*Decree of Lord Ordinary following on the above Minutes*F136
...

SCHEDULE (CC.)

No. 1*Deed of Relinquishment of Superiority*F137
...**Textual Amendments**

F137 Sch. (CC.) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

No. 2*Acceptance by Vassal written on Deed of Relinquishment*F137
...**No. 3***Crown Writ of Investiture written on Deed of Relinquishment*F137
...

SCHEDULES (DD.), (EE.)

F138
...**Textual Amendments**

F138 Schs. (DD.), (EE.), (II.) repealed by Succession (Scotland) Act 1964 (c. 41), s. 37, **Sch. 3**

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

SCHEDULE (FF.)

No. 1

Form of a Bond and Disposition in Security

F139
...

Textual Amendments

F139 Sch. (FF.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

No. 2

Form of Schedule of Intimation, Requisition, and Protest

F139
...

No.3

Certificate by Notary on Copy of foregoing Schedule

F139
...

SCHEDULE (GG.)

Form of Assignment of a Bond and Disposition in Security consti tuted by Infeftment

F140
...

Textual Amendments

F140 Sch. (GG.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

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SCHEDULE (HH.)

Form of Instrument in favour of an Assignee to an Heritable Security following on a Deed granted for further Purposes or Objects.

F141
...

Textual Amendments

F141 Sch. (HH.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (II.)

F142
...

Textual Amendments

F142 Sch. (II.) repealed by [Succession \(Scotland\) Act 1964](#) (c. 41), s. 37, **Sch. 3**

SCHEDULE (JJ.)

Form of Instrument in favour of an Executor or Heir of a Creditor who died intestate in right of an Heritable Security

F143
...

Textual Amendments

F143 Sch. (JJ.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (KK.)

Form of Instrument in favour of the Executors or Executor nominate, or of the Disponee or Legatee of a Creditor in right of an Heritable Security

F144
...

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

Textual Amendments

F144 Sch. (KK.) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (LL.)

Form of Instrument in favour of a Trustee on a sequestrated Estate, or of Liquidators of a Joint Stock Company in right of an Heritable Security

F145 ...

Textual Amendments

F145 Sch. (LL.) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (MM.)

Form of Instrument of an Unrecorded Bond and Disposition in Security, or Unrecorded Assignment in Favour of the Executor or Donee, or Assignee, or Legatee, or Heir of the Creditor

F146 ...

Textual Amendments

F146 Sch. (MM.) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

SCHEDULE (NN.)

Form of Discharge of Bond and Disposition in Security, &c.

F147 ...

Textual Amendments

F147 Sch. (NN.) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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)

SCHEDULE (OO.)

Form of Deed of Restriction of an Heritable Security

F148
...

Textual Amendments

F148 Sch. (OO.) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 8(23), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**

SCHEDULE (PP.)

Notice of Inhibition

Notice of letters of inhibition [*or of summons containing inhibition, as the case may be*]*—A.B. [insert designation of the inhibitor] against C.D. [insert designation of the inhibited].—Signed* [*insert date of signing*].

E.F., W.S. [or S.S.C.] Agent.

SCHEDULE (QQ.)

F149
...

Textual Amendments

F149 Sch. (QQ.) repealed (5.9.1994) by [S.I. 1994/1443](#), art. 3(2), **Sch. 4**

SCHEDULE (RR.)

Modifications etc. (not altering text)

C13 Sch. (RR.) applied by [Conveyancing \(Scotland\) Act 1924 \(c. 27\)](#), s. 44(2)(a)

Notice of Summons of Reduction, Adjudication, &c.

NOTICE of summons of reduction [*or of adjudication, or of constitution and adjudication, as the case may be*].*—A.B. [insert designation of pursuer] against C.D. [insert designation of defender] Signed [insert date of signing].*

[^{F150}The summons relates to [*insert description of lands*].

Status: Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

Changes to legislation: *Titles to Land Consolidation (Scotland) Act 1868* is up to date with all changes known to be in force on or before 19 July 2023. 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)

Textual Amendments

F150 Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 36:1\)](#), s. 59, [Sch. 2 para. 5](#)

E.F., W.S.[or S.S.C.], Agent.

Status:

Point in time view as at 01/04/2008. This version of this Act contains provisions that are prospective.

Changes to legislation:

Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 19 July 2023. 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.