



Titles to Land Consolidation (Scotland) Amendment Act 1869

1869 CHAPTER 116 32 and 33 Vict

8 Sect. 130 of recited Act repealed. Unregistered security or assignation to be available to executors, &c. of grantee.

Section one hundred and thirty of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the one hundred and thirtieth section of the recited Act, and the recited Act shall be read and construed as if the one hundred and thirtieth section thereof had been originally expressed in the following words; viz:— In the event of an heritable security from which executors shall not have been excluded, dated before or after the commencement of this Act, not being constituted by infestment during the lifetime of the grantee, or of any assignation, dated before or after the commencement of this Act, of a security from which executors shall not have excluded, but which has been constituted by infestment, not being completed by infestment during the lifetime of the assignee, and where such grantee or assignee shall be in life at, or at any time subsequent to, the commencement of this act, such security or assignation shall form a warrant for an instrument in the form or as nearly as may be in the form of Schedule (MM.) hereto annexed, under the hands of a notary public, being passed upon the same in favour of the executors of the creditor, duly confirmed, whether the same be executors nominate or executors dative, or in favour of the disponees or assignees of such security, or of the moveable estate of such creditor under and deed or conveyance inter vivos or mortis causa, or in favour of any legatees of such security; and where such executors or disponees or assignees, being more than one, shall not be entitled to such security wholly for their own beneficial interest, it shall be competent to take such notarial instrument in favour of such executors or disponees or assignees, and the survivors or survivor of them, unless such a destination be expressly excluded from such security, or the creditor has died before the commencement of this act, the security or assignation, as the case may be, shall form a warrant for a notarial instrument as aforesaid, in favour of any disponees or assignees or legatees of such security, or of the heritable estate of such creditor under any deed or conveyance by him inter vivos or mortis causa, or under any testamentary deed or writing by him within the meaning of the twentieth section of this Act, or in favour of the heirs of such creditor having right to the security by decree of general or special service as heir

Changes to legislation: Titles to Land Consolidation (Scotland) Amendment Act 1869, Section 8 is up to date with all changes known to be in force on or before 01 September 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

to such creditor; and on such instrument being recorded in the appropriate register of sasines, the executors or disponees, or assignees or legatees or heirs, as the case may be, in whose favour such instrument is expedite, shall be vested with the full right of the creditor in such security, and shall be held to be entered with the superior in like manner and to the same effect as the original creditor himself.

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Modifications etc. (not altering text)

- C1** The text of ss. 2, 3, 6–9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Commencement Orders yet to be applied to the Titles to Land Consolidation (Scotland) Amendment Act 1869

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2003/456 art. 2](#) commences (2000 asp 5)