



Conveyancing (Scotland) Act 1874

CHAPTER 94

CONVEYANCING (SCOTLAND) ACT 1874

- 1 Short title.
- 2 Commencement of Act.
- 3 Interpretation.
- 4 Renewal of investiture abolished. Infefment to imply entry with superior. Implied entry not to affect rights of superiors to feu-duties, &c. Action in lieu of a declarator of non-entry.
- 5 Compositions payable by corporations or trustees or persons having separate interests.
- 6 Consolidation of superiority with property.
- 7 Consolidation not to affect or extend superior's rights.
- 8 Memorandum of allocation of feu-duty.
- 9#13
- 14 Legal remedies to prevent entry preserved.
- 15—17
- 18 Entails not to bar redemption.
- 19 Redemption of casualties by a mid-superior.
- 20 Commutation of carriages and services by agreement; or by sheriff.
- 21 Commuted value to be feu-duty. Not barred by entails.
- 22 Monopolies of superior's agents annulled.
- 23
- 24 Where feu rights stipulating or inferring casualties are contracted to be granted.
- 25 Distinction between burgage and feu abolished. Registration of writs in burgh register. Provisions for lands in Paisley held by booking tenure.
- 26 Form of conveyances.
- 27 The word "dispone" unnecessary.
- 28 Date of entry.

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- 29 General dispositions forming links of series of titles not objectionable on certain grounds.
- 30 Conveyances and discharges of real burdens. Real burdens effectual in competition from date of recording; mode of completing title to real burdens.
- 31
- 32 Reservations, conditions, and covenants, affecting lands may be imported by reference.
- 33
- 34
- 35 Registration of a decree of division.
- 36 Effect of decree of sale of glebe.
- 37 Distinction between heritage and conquest abolished.
- 38 Certain rules as to probative deeds altered.
- 39 Deed not to be invalid because improbative.
- 40 Holograph testamentary writings.
- 41 One notary or justice of the peace and two witnesses to be sufficient where party cannot write.
- 42
- 43
- 44 Provisions for the case of a person appointed by the court to administer a trust.
- 45 How title shall be completed when the holder of an office or proprietor is ex officio a trustee and his successor in office takes the trust.
- 46
- 47 Securities upon land, and relative personal obligations, shall transmit against heirs and disponees.
- 48 Provisions for disencumbering lands sold under heritable securities when no surplus emerges.
- 49 Provision for disencumbering lands of heritable security.
- 50 Form and effect of assigning right of relief or other right affecting land.
- 51 Probate equivalent to will or extract for completing title.
- 52 Decrees of service unchallengeable on certain grounds.
- 53 Form of completing title to heritable securities under a general disposition.
- 54 Recorded deed or instrument unchallengeable on certain grounds.
- 55
- 56
- 57 †Certain offices abolished, and the duties of the Sheriff of Chancery, &c. enlarged.
- 58 Provisions as to Chancery office.
- 59 Act shall apply to lands held of the Crown and Prince.
- 60 Title to private estates of Her Majesty in Scotland.
- 61 †Section 11 of Titles to Land Consolidation Act repealed; description of lands contained in recorded deeds may be inserted in subsequent writs by reference merely. Reference already made in recorded deed not challengeable if certain particulars correctly given.
- 62 Section 62 of the Titles to Land Consolidation Act, 1868, and section 4 of the Titles to Land Consolidation Amendment Act, 1869, repealed. Effect of a decree of adjudication or sale.
- 63
- 64 Section 127 of last-recited Act repealed. Executor nominate or donee mortis causa may complete title by notarial instrument.

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- 65 Section 129 of last-recited Act repealed. Adjudgers may complete their title by recording abbreviate or extract decree of adjudication.
- 66 Schedules to be part of Act.
- 67 Repeal of Acts. &c.
- 68

SCHEDULE A — Form of Notice to be given to a Superior of Change of Ownership

...

SCHEDULE B — Form of Summons of Declarator and for Payment of a Casualty

...

SCHEDULE C — Form of Minute for effecting Consolidation of Lands

I, A.B., heritable proprietor both of the immediate superiority and of the...

+Note—Subscription of the document by the granter of it will...

SCHEDULE D — Form of Memorandum of Allocation of Feu-duty

.....

SCHEDULE E —

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SCHEDULE F — Form of Discharge of Casualties

.....

SCHEDULE G — Form of Memorandum constituting a Feu-duty or additional Feu-duty

.....

SCHEDULE H — Form of Reference to a Deed, Instrument, or Writing for Reservations, Burdens, and Conditions affecting Lands

.....

SCHEDULE I —

SCHEDULE J —

.....

SCHEDULE K — Form of Minute to be presented in Bill Chamber of Court of Session, or in Sheriff Court, for Warrant to charge an Heir or Disponee under a personal Obligation by his Ancestor or Author.

Warrant is craved, in virtue of the Conveyancing (Scotland) Act,...

Dated the day of

(Signed) A.B., W.S., Edinburgh, [or as the case may be]....

The Clerk of the Bills, or Sheriff Clerk, as the...

Fiat ut petitur.

[To be dated and signed by the Clerk.]

SCHEDULE L —

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No.1 — FORM OF CERTIFICATE WHERE LANDS ARE SOLD UNDER
HERITABLE SECURITY AND NO SURPLUS EMERGES

.....

No.2 — FORM OF CERTIFICATE WHERE LANDS HAVE BEEN REDEEMED OF
HERITABLE SECURITY, BUT DISCHARGE CANNOT BE OBTAINED

.....

SCHEDULE M — Form of Assignment of Right of Relief, &c.

I [here insert the name and designation of the grantor,...

+Note— In the case of a traditional document, subscription of...

SCHEDULE N — Form of Instrument in Favour of a General Disponee or his
Assignee in right of an Heritable Security

.....

SCHEDULE D — Clause of Reference to a Description of Land contained in a prior
Conveyance, Deed, or Instrument

All and whole the lands and others (or subjects) in...

Notes to Schedule D

Note 1.—In referring to a Deed containing a particular description...

Note 2.—Where it is desired to insert a short description...

Note 3.—If part only of the land or subjects described...

Note 4.—If several lands or subjects are described in the...

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Changes and effects yet to be applied to :

- s. 32 words repealed by [2000 asp 5 Sch. 12 para. 9\(8\)](#)[Sch. 13 Pt. 1](#) (This amendment has not been applied to legislation.gov.uk. Sch. 12 para. 9(8) and entry in Sch. 13 repealed (4.4.2003) by 2003 asp 9, ss. 128, 129(5), Sch. 15 (with ss. 119, 121))
- Sch. H word repealed by [2000 asp 5 Sch. 12 para. 9\(21\)](#)[Sch. 13 Pt. 1](#) (This amendment has not been applied to legislation.gov.uk. Sch. 12 para. 9(21) and entry in Sch. 13 repealed (4.4.2003) by 2003 asp 9, ss. 128, 129(5), Sch. 15 (with ss. 119, 121))