

*These notes relate to the Abolition of Feudal Tenure etc. (Scotland)
Act 2000 (asp 5) which received Royal Assent on 14 July 2000*

ABOLITION OF FEUDAL TENURE ETC. (SCOTLAND) ACT 2000

EXPLANATORY NOTES

EXPLANATORY NOTES

Commentary on Sections

Part 3: Feuduties

Section 13: Arrears of feuduty etc.

58. This section deals with transitional arrangements for feuduty. Unpaid arrears will be unaffected by this legislation.
59. *Subsection (1)* makes it clear that arrears of feuduty for any period before the appointed date of abolition are still recoverable. It further provides that feuduties which relate to that period but which have not yet fallen due will fall due on the appointed day for abolition. The persons who were liable for payment of the arrears before the appointed day will continue to be liable after that date.
60. *Subsection (2)* abolishes the security (debitum fundi) which a superior previously had over the feudal property for unpaid feuduty and redemption money.
61. *Subsection (3)* abolishes the corresponding security (hypothec) which the superior had over moveable property. The former superior will still be able to recover arrears as a personal debt in the usual way.
62. *Subsection (4)* preserves the right of any superior to pursue actions based on debitum fundi or hypothec which commenced before the appointed day for abolition and also any rights or preferences founded on that basis which are claimed in a sequestration or other ranking process which have commenced before that date.