



# Conveyancing and Feudal Reform (Scotland) Act 1970

## CHAPTER 35

### CONVEYANCING AND FEUDAL REFORM (SCOTLAND) ACT 1970

#### PART I

##### FEUDAL REFORM

###### *Variation and discharge of land obligations*

- 1 Variation and discharge of land obligations
- 2 Provisions supplementary to section 1

###### *Allocation of feuduties, etc.*

- 3 Allocation of feuduties
- 4 Applications to Lands Tribunal regarding allocation of feuduties
- 5 Provisions supplementary to sections 3 and 4
- 6 Allocation of ground annuals

###### *Provisions for contracting out of sections 1 to 6 to be void*

- 7 Provisions for contracting out of sections 1 to 6 void

###### *Reduction of period of positive prescription*

- 8 Reduction of period of possession necessary for prescription following on title and possession from 20 years to 10 years

## PART II

### THE STANDARD SECURITY

- 9 The standard security
- 10 Import of forms of, and certain clauses in, standard security
- 11 Effect of recorded standard security, and incorporation of standard conditions
- 12 Standard security may be granted by person uninfert
- 13 Ranking of standard securities
- 14 Assignment of standard security
- 15 Restriction of standard security
- 16 Variation of standard security
- 17 Discharge of standard security
- 18 Redemption of standard security
- 19 Calling-up of standard security
- 20 Exercise of rights of creditor on default of debtor in complying with a calling-up notice
- 21 Notice of default
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- 23 Rights and duties of parties after service of notice of default to which objection is not taken, or where the notice is not set aside
- 24 Application by creditor to court for remedies on default
- 25 Exercise of power of sale
- 26 Disposition by creditor on sale
- 27 Application of proceeds of sale
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- 31 Saving
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- 33 Form of notice calling-up heritable security
- 34 Amendment of s. 34 of Act of 1924
- 35 Power of creditor in bond and disposition in security to sell to include power to sell by private bargain
- 36 Alteration of periods during which sale of land held in security is to be advertised
- 37 Amendment of s. 40 of Act of 1924
- 38 Amendment of s. 41 of Act of 1924
- 39 Amendment of s. 8 of Act of 1894
- 40 Discharge of heritable security constituted by *ex facie* absolute conveyance
- 41 Restriction on effect of reduction of certain discharges of securities
- 42 Extension of s. 13 to certain existing forms of heritable securities
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- 44 Alteration of rules as to probative deeds
- 45 Status of sasine extracts
- 46 Effect of conditions as to pre-emption
- 47 Abolition of requirement to specify granter's title in certain deeds
- 48 Abolition of forms of assignation of unrecorded conveyances, etc., and of completion of title by recording of such assignations

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- 49 Abolition of heritor's right of pre-emption of glebe
- 50 Amendment of Lands Tribunal Act 1949

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- 52 Saving, amendment and repeal
- 53 Interpretation
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## SCHEDULES

### SCHEDULE 1 — Land obligations not subject to variation or discharge under section 1

- 1 An obligation to pay feuduty, ground annual, rent, skat, dry...
- 2 An obligation, however constituted, relating to the right to work...
- 3 An obligation imposed by or on behalf of the Crown...
- 4 An obligation created or imposed— (i) for naval, military or...
- 5 An obligation created or imposed in or in relation to...

### SCHEDULE 2 — Forms of Standard Security

### SCHEDULE 3 — The Standard Conditions

- 1 Maintenance and repair.
- 2 Completion of buildings etc. and prohibition of alterations etc.
- 3 Observance of conditions in title, payment of duties, charges, etc., and general compliance with requirements of law relating to security subjects.
- 4 Planning notices, etc.
- 5 Insurance.
- 6 Restriction on letting.
- 7 General power of creditor to perform obligations etc. on failure of debtor and power to charge debtor.
- 8 Calling-up.
- 9 Default.
- 10 Rights of creditor on default.
- 11 Exercise of right of redemption.

12 The debtor shall be personally liable to the creditor for...

*Interpretation*

SCHEDULE 4 — Forms of Deeds of Assignment, Restriction, &c

SCHEDULE 5 — Procedures as to Redemption

SCHEDULE 6 — Procedures as to Calling-up and Default

SCHEDULE 7 — Contents of Certificate Stating a Default

- 1 A certificate which is lodged in court by the creditor...
- 2 A certificate shall state— (i) the name and address of...
- 3 The certificate shall be signed by the creditor or his...

SCHEDULE 8 — Excluded Enactments

*The Debts Securities (Scotland) Act 1856*

- 1 Section 7 (Securities for cash accounts or credits).

*Registration of Long Leases (Scotland) Act 1857*

- 2 Section 4 (Assignations in security).
- 3 Section 5 (Instrument to be expedited where party presenting assignation...)
- 4 Section 6 (Translation of assignations in security and creditor's entry...)
- 5 Section 13 (Renunciations and discharges to be recorded) so far...
- 6 Section 20 (Interpretation of clauses in Schedules).

*The Titles to Land Consolidation (Scotland) Act 1868*

- 7 Sections 118 (Form of bond and disposition in security).
- 8 Section 119 (Explanation of clauses in Schedule (FF) No. 1—Form...)
- 9 Section 121 (Validity of sale to purchaser).
- 10 Section 122 (Creditors selling to count and reckon for the...)
- 11 Section 123 (Disburdening of lands on sale and after consignment...)
- 12 Section 124 (Prescription of form of transfer of securities).
- 13 Section 132 (Renunciation or discharge of heritable security).
- 14 Section 133 (Restriction of heritable security).
- 15 Section 138 (Use of short clauses of consent to registration)...

*Conveyancing (Scotland) Act 1874*

- 16 Section 48 (Disburdening of lands sold under heritable securities when...)
- 17 Section 49 (Disburdening of lands where debtor in a heritable...)

*The Heritable Securities (Scotland) Act 1894*

- 18 Section 6 (Power of creditor to lease security subjects for...)
- 19 Section 7 (Granting of power by sheriff to lease security...)
- 20 Section 8 (Foreclosure).
- 21 Section 9 (Completion of title of security holders and preservation...)
- 22 Section 10 (Purchaser's title indefeasible).

- 23 Section 12 (Procedure).
- 24 Section 15 (Jurisdiction of sheriff).

*The Conveyancing (Scotland) Act 1924*

- 25 Section 24 (Assimilation of forms for registered leases).
- 26 Section 25 (Form of bond and disposition in security).
- 27 Sections 28 to 30 (Provisions dealing with the assignation, discharge...
- 28 Section 31 (Description of lands and deduction of title unnecessary...
- 29 Section 32 (Redemption of bond and disposition in security).
- 30 Sections 33-39 (Provisions relating to calling up bond and disposition...
- 31 Section 42 (Mode of disburdening land sold by creditor under...

SCHEDULE 9 — Discharge of Heritable Security Constituted by Ex Facie Absolute Conveyance

SCHEDULE 10 — Minor and Consequential Amendments  
PART I — AMENDMENTS AFFECTING SPECIFICATION OF TITLE

*THE REGISTRATION OF LEASES (SCOTLAND) ACT 1857*

- 1 In Schedule (H), in the footnote, for the words "...

*THE CONVEYANCING (SCOTLAND) ACT 1924*

- 2 In Schedule J, in Note 3, for the words from...
- 3 In Schedule K, in Note 2, for the words from...

PART II — OTHER AMENDMENTS

*THE CONVEYANCING (SCOTLAND) ACT 1924*

- 4 In Schedule 1, in the note, before the words "...

*THE LAND COMPENSATION (SCOTLAND) ACT 1963*

- 5 In section 10, for the words " Lord President of...

SCHEDULE 11 — Enactments Repealed  
PART I — REPEALS AFFECTING SPECIFICATION OF TITLE  
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