

SCHEDULE 12 MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

MINOR AND CONSEQUENTIAL AMENDMENTS: GENERAL

Notes to Schedule K, shall cease to have effect.

Conveyancing Amendment (Scotland) Act 1938 (c. 24)

- 18 (1) The Conveyancing Amendment (Scotland) Act 1938 shall be amended in accordance with this paragraph.
- (2) Sections 6 (actions of declarator of irritancy) and 8 (prohibition of subinfeudation annulled) shall cease to have effect.
- (3) For section 9 there shall be substituted—

“9 Limitation of effect of conditions as to pre-emption

- (1) Any right of pre-emption of land, being a right created in a deed or other writing executed after 1st September 1974 or in a grant in feu of any date, in favour of any person, in the event of a sale of, or of any part of, the land by the proprietor for the time being (whether or not the right purports to be exercisable on more than one occasion) shall, with all irritant clauses applicable to the right, be null and void and not capable of being enforced as regards the land or part unless within—
- (a) twenty-one days after an offer has been made by the proprietor to the person in whom the right is vested; or
- (b) such shorter period after an offer has been so made as may be specified in the writing stipulating for the right,
- the person accepts the offer.
- (2) Subsection (1) above is without prejudice to section 17 (extinction of superior's rights) of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5).
- (3) Any such offer may be made by delivering it to the person (or to the agent or factor of the person) or by sending it by registered letter to the person (or to such agent or factor) at his usual or last known address or, if the person is unknown or cannot be found, to the Extractor of the Court of Session.
- (4) Either—
- (a) an acknowledgment endorsed on the offer, or on a copy of the offer, by the person (or by his agent or factor); or
- (b) where the offer is sent by registered letter, a certificate subscribed by the proprietor (or the proprietor's solicitor) that the offer was duly posted, with the Post Office receipt for the registered letter attached, shall be sufficient evidence that the offer was duly made on the date stated in the acknowledgment or, as the case may be, on the date of the Post Office receipt.”