

2004 No. 478

FEUDAL TENURE

**The Abolition of Feudal Tenure etc. (Scotland) Act 2000
(Prescribed Periods) Order 2004**

Made - - - - - *3rd November 2004*
Laid before the Scottish Parliament *4th November 2004*
Coming into force - - - *28th November 2004*

The Scottish Ministers, in exercise of the powers conferred by sections 45(2) and 46(1) of the Abolition of Feudal Tenure etc. (Scotland) Act 2000(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (Prescribed Periods) Order 2004 and shall come into force on 28th November 2004.

(2) In this Order “the 2000 Act” means the Abolition of Feudal Tenure etc. (Scotland) Act 2000.

Prescribed Periods

2. For the purposes of section 45(2) of the 2000 Act the prescribed period shall be—

- (a) in respect of a notice or an agreement submitted for registration under the 2000 Act and rejected by the Keeper of the Registers of Scotland on or before 28th November 2004; a period beginning on 29th November 2004 and ending on 21st January 2005; and
- (b) in respect of such a notice or agreement rejected by the Keeper of the Registers of Scotland after 28th November 2004 a period of eight weeks beginning from the date of such rejection.

3. For the purposes of section 46(1) of the 2000 Act the period prescribed is a period of ten years.

HUGH HENRY
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
3rd November 2004

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes periods for two purposes. Section 45(1) of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (“the 2000 Act”) makes provision for application to be made to a court or to the Lands Tribunal for Scotland to determine that a notice or agreement submitted for registration and rejected by the Keeper of the Registers of Scotland (“the Keeper”) is registrable. Section 45(2) provides that such applications shall require to have been made within a prescribed period. Article 2 prescribes this period. Where a notice or agreement is rejected before the appointed day (28th November 2004) such an application must be made on or before 21st January 2005. Where a notice or agreement is rejected after the appointed day the application must be made within eight weeks of the date of rejection of the notice or agreement by the Keeper.

Section 46(1) of the 2000 Act provides that it will not be competent to request or order the Keeper to remove real burdens extinguished by section 17(1)(a) (extinction of superior’s rights) with a period of years prescribed by the Scottish Ministers. Article 3 prescribes the number of years as 10 years. This period commences on the appointed day.

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