



Conveyancing (Scotland) Act 1924

1924 CHAPTER 27 14 and 15 Geo 5

41 Purchasers protected. **S**

- (1) All proceedings [^{F1}relating to the redemption or calling up of, or a sale under, a bond and disposition in security] shall be valid and effectual notwithstanding that any person to whom premonition or notice requires to be given in terms of this Act may be [^{F2}subject to any legal disability by reason of nonage or otherwise], and any sale and disposition in implement thereof shall be as valid to the purchaser as if made by the proprietor of the land not being under disability, and any such disposition shall import an assignation to the purchaser of the warrandice contained or implied in the bond and disposition in security under which the land is sold, and also an obligation by the granter of the security to ratify, approve and confirm the sale and disposition.
- [^{F3}(2) Where a disposition of land is duly recorded in the appropriate Register of Sasines and that disposition bears to be granted in the exercise of a power of sale contained in a deed granting a bond and disposition in security, and the exercise of that power was *ex facie* regular, the title of *abona fide* purchaser of the land for value shall not be challengeable on the ground that the debt had ceased to exist, unless that fact appeared in the said Register, or was known to the purchaser prior to the payment of the price, or on the ground of any irregularity relating to the sale or in any preliminary procedure thereto; but nothing in the provisions of this subsection shall affect the competency of any claim for damages in respect of the sale of the land against the person exercising the said power.]

Textual Amendments

- F1** Words in s. 41(1) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 15\(16\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F2** Words in s. 41(1) substituted (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 31:1\)](#), ss. 10(1), 11(2), [Sch. 1 para. 26](#) (with s. 1(3))
- F3** S. 41(2) substituted by [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c. 35\)](#), s. 38

Changes to legislation:

There are currently no known outstanding effects for the Conveyancing (Scotland) Act 1924, Section 41.