



Feudal Casualties (Scotland) Act 1914

1914 CHAPTER 48

4 Redemption of casualties

- (1) The casualties incident to any feu created prior to the commencement of this Act shall be redeemable at the instance of either the superior or the proprietor of such feu at any time within the period of fifteen years from and after such commencement either on such terms as may be agreed on between such superior and proprietor, or (failing agreement) upon payment of compensation or conversion thereof into an annual sum in terms of this Act: Provided that redemption under this Act otherwise than by agreement shall apply only to future and prospective casualties, and that any casualty which has become due at or prior to the date as at which compensation is to be fixed and for which the proprietor of the feu is personally liable, or for which the feu can be affected, shall be paid prior to such redemption.
- (2) The compensation payable on the redemption of casualties under this Act shall (unless the same be converted into an annual sum in terms of this Act) be a personal debt due by the proprietor of the feu to the superior, as well as a real burden on the feu to which such compensation applies, preferable to all securities or burdens not incidents of tenure.
- (3) On the expiry of the said period of fifteen years all casualties incident to any feu created prior to the commencement of this Act, and all claims for compensation in respect thereof, shall be held to be extinguished and discharged, and shall cease to burden or effect the feu, without prejudice to any feu-duty constituted in terms of section nine of this Act; provided that if any judicial proceedings for the recovery or redemption of any casualties, or the fixing or recovery of compensation therefor, are instituted prior to the expiry of the said period, and a notice of such proceedings, in the appropriate form set forth in Schedule D. to this Act annexed, or in a similar form, is registered in the register of inhibitions and adjudications in the course of the year immediately following the expiry of the said period, the said period shall be held to be extended to twenty years from and after the commencement of this Act as regards the casualties for the recovery or redemption of which, or the compensation for the fixing or recovery of which, such proceedings shall have been instituted.