



Conveyancing Amendment (Scotland) Act 1938

1938 CHAPTER 24

6 Provisions as to actions of declarator of irritancy

- (1) Where an action of declarator of irritancy *ob non solutum canonem* is raised in the Court of Session by a superior against a vassal, the pursuer shall, in addition to serving the same on the last entered vassal, give such intimation thereof as the Court may direct or require to sub-feuars, heritable creditors and others who at the date of the raising of the action appear to have some real right in or security over the vassal's estate or any part thereof and who from a search in the Register of Sasines made against the vassal's estate for a period of twenty years immediately prior to the date of the raising of the action are disclosed as having such interest.
- (2) The expense of such search shall form part of the pursuer's expenses of process.
- (3) After decree has been granted in any such action, it shall not be competent to any person to question in any legal proceedings whatsoever the validity or sufficiency of the intimation given to him under and in pursuance of subsection (1) of this section.
- (4) Notwithstanding the provisions of section twenty-four of the Court of Session Act, 1868, or of Rule 25 of the First Schedule to the Sheriff Courts (Scotland) Act, 1907, a decree granted in any such action shall, as in a question with third parties who have acted onerously and in *bona fide* in reliance on the Records, be final and not subject to challenge when an extract thereof shall have been recorded in the appropriate Register of Sasines.