



Heritable Securities (Scotland) Act 1894

CHAPTER 44

HERITABLE SECURITIES (SCOTLAND) ACT 1894

- 1 Short title.
- 2 †Extent and commencement of Act.
- 3 Tenants need not be parties to actions of maills and duties.
- 4 Power to interpel security holder.
- 5 Power to eject proprietor in personal occupation.
- 5A Court powers on section 5 proceedings relating to residential property
- 5B Section 5 proceedings relating to residential property: pre-action requirements
- 5C Application to court by entitled residents
- 5D Entitled residents: definition
- 5E Recall of decree
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- 6 Power to lease security subjects for seven years or under.
- 7 Sheriff may grant power to lease security subjects for longer periods, not more than 21 years for heritable property in general, and 31 years for minerals.
- 8 Provisions for security holders becoming proprietors of security subjects.
- 9 Completion of title of security holders. Personal obligation of debtor to remain so far as not extinguished by price.
- 10 Purchaser's title indefeasible.
- 11 Sheriff may grant power to pari passu security holder to sell pari passu security.
- 12 Provisions anent procedure.
- 13 Provisions of Act to have effect notwithstanding incapacity of debtor. Trustees and others to have powers conferred by Act.

Changes to legislation: Heritable Securities (Scotland) Act 1894 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- 14 Security holders under Registration of Leases Act to have same powers as security holders.
- 15 Sheriff to have jurisdiction whatever value of lands.
- 16 Provisions as to notice where debtor has died and heir cannot be ascertained.
- 17 Rights under existing law reserved.
- 18 Interpretation clause.
- 19 Saving as to rights of Crown.

SCHEDULES

SCHEDULE (A) —

SCHEDULE (B) —

SCHEDULE (C) —

SCHEDULE (D) —

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Changes and effects yet to be applied to :

- s. 3 repealed by [2007 asp 3 Sch. 6 Pt. 1](#)
- s. 6 repealed by [2007 asp 3 Sch. 6 Pt. 1](#)
- s. 7 repealed by [2007 asp 3 Sch. 6 Pt. 1](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act explained by [2007 asp 3 s. 126](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(2A) inserted by [2014 asp 18 sch. 5 para. 20](#)
- Sch. A-C repealed by [2007 asp 3 Sch. 6 Pt. 1](#)