

*These notes relate to the Abolition of Feudal Tenure etc. (Scotland)  
Act 2000 (asp 5) which received Royal Assent on 14 July 2000*

# **ABOLITION OF FEUDAL TENURE ETC. (SCOTLAND) ACT 2000**

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## **EXPLANATORY NOTES**

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#### *Commentary on Sections*

#### **Part 3: Feuduties**

#### *Section 9: Calculation of amount of compensatory payment*

43. *Section 9* makes it clear that the basis of the calculation of compensation for the extinction of feuduty is the same as that used for the redemption of feuduty under the Land Tenure Reform (Scotland) Act 1974. The principle is that full compensation should be paid by the vassal to the superior.
44. *Subsection (1)* sets out the same basic formula as is used in the 1974 Act.
45. *Subsection (2)* provides that, except in the case of a cumulo feuduty, the sum produced using the statutory formula is the sum due by the former vassal.
46. In the case of the extinction of a cumulo feuduty, subsection (3) requires the former superior to allocate the compensation due among the former vassals in order to find the share due by each. The allocation requires to be done on a basis which is reasonable in all the circumstances.
47. *Subsection (4)* creates a presumption that an allocation is reasonable if it accords with an existing informal apportionment of a cumulo feuduty.