



# Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

## PART 6

### MISCELLANEOUS

#### *The Crown, the Lord Lyon and Barony*

#### **58 Crown application**

- (1) This Act binds the Crown and accordingly such provision as is made by section 2 of this Act as respects feudal estates of dominium shall apply to the superiority of the Prince and Steward of Scotland and to the ultimate superiority of the Crown; but nothing in this Act shall be taken to supersede or impair any power exercisable by Her Majesty by virtue of Her prerogative.
- (2) Without prejudice to the generality of subsection (1) above, in that subsection—
  - (a) Her Majesty's prerogative includes the prerogative of honour; and
  - (b) "any power exercisable by Her Majesty by virtue of Her prerogative" includes—
    - (i) prerogative rights as respects ownerless or unclaimed property; and
    - (ii) the *regalia majora*.

#### **59 Crown may sell or otherwise dispose of land by disposition**

It shall be competent for the Crown, in selling or otherwise disposing of any land, to do so by granting a disposition of that land.

#### **60 Preserved right of Crown to maritime burdens**

- (1) Where, immediately before the appointed day, the Crown has the right as superior to enforce a real burden against part of the sea bed or part of the foreshore, then, on and after that day, the Crown shall—
  - (a) subject to any counter-obligation, have title to enforce; and

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*Changes to legislation: Abolition of Feudal Tenure etc. (Scotland) Act 2000, Cross Heading: The Crown, the Lord Lyon and Barony is up to date with all changes known to be in force on or before 24 May 2023. 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*

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(b) be presumed to have an interest to enforce, the burden; and any burden as respects which the Crown has such title and interest shall, on and after the appointed day, be known as a “maritime burden”.

(2) <sup>F1</sup>.....

(3) For the purposes of this section—  
“sea bed” means the bed of the territorial sea adjacent to Scotland; and  
“territorial sea” includes any tidal waters.

(4) In this section, “real burden” has the same meaning as in Part 4 of this Act.

#### Textual Amendments

**F1** S. 60(2) repealed (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 128(2), 129(5)(b)(c), sch. 15 (with ss. 119, 121)

## 61 Mines of gold and silver

The periodical payment to the Crown, in respect of the produce of a mine which by the Royal Mines Act 1424 (c.12) belongs to the Crown, of an amount which is not fixed but is calculated as a proportion of that produce is not—

- (a) a payment to the Crown qua superior for the purposes of section 54 of this Act;
- (b) a perpetual periodical payment for the purposes of section 56 of this Act; or
- (c) a feuduty for the purposes of Part 3 of this Act.

## 62 Jurisdiction and prerogative of Lord Lyon

Nothing in this Act shall be taken to supersede or impair the jurisdiction or prerogative of the Lord Lyon King of Arms.

## 63 Baronies and other dignities and offices

(1) Any jurisdiction of, and any conveyancing privilege incidental to, barony shall on the appointed day cease to exist; but nothing in this Act affects the dignity of baron or any other dignity or office (whether or not of feudal origin).

(2) When, by this Act, an estate held in barony ceases to exist as a feudal estate, the dignity of baron, though retained, shall not attach to the land; and on and after the appointed day any such dignity shall be, and shall be transferable only as, incorporeal heritable property (and shall not be [<sup>F2</sup>a right as respects which a deed can be registered in the Land Register of Scotland or] recorded in the Register of Sasines).

(3) Where there is registered, before the appointed day, a heritable security over an estate to which is attached the dignity of baron, the security shall on and after that day (until discharge) affect—

- (a) in the case of an estate of *dominium utile*, both the dignity of baron and the land; and
- (b) in any other case, the dignity of baron.

(4) In this section—

“conveyancing privilege” includes any privilege in relation to prescription;

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“dignity” includes any quality or precedence associated with, and any heraldic privilege incidental to, a dignity; and

“registered” has the same meaning as in Part 4 of this Act.

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**Textual Amendments**

**F2** Words in s. 63(2) substituted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [Sch. 5 para. 39\(5\)](#) (with s. 121, [Sch. 4 paras. 13, 16](#)); [S.S.I. 2014/127](#), art. 2

**Changes to legislation:**

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

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

- s. 18C(1) words repealed by [2004 asp 7 sch. 2](#)
- s. 18C(3) words repealed by [2004 asp 7 sch. 2](#)