

SCHEDULE 12 MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

MINOR AND CONSEQUENTIAL AMENDMENTS: GENERAL

Conveyancing (Scotland) Act 1924 (c. 27)

- 15 (1) The Conveyancing (Scotland) Act 1924 shall be amended in accordance with this paragraph.
- (2) In section 2(1)(b) (definition of “heritable securities” and “securities”), the words from “real burdens” to “them, and” shall cease to have effect.
- (3) In section 3 (disposition etc. by person uninfert)—
- (a) the words “last infert or” shall cease to have effect; and
 - (b) for the words from “in all respects” to the end substitute “completed”.
- (4) In section 4 (completion of title)—
- (a) in subsection (1), for the words “last infert” substitute “having the last recorded title”;
 - (b) in subsection (2)—
 - (i) for the words “last infert” substitute “having the last recorded title”;
 - and
 - (ii) the words “by infertment” shall cease to have effect;
 - (c) in subsection (3)—
 - (i) the words from “, or in the case” to “that Schedule” shall cease to have effect; and
 - (ii) for the words from “last infert” to the end substitute “having the last recorded title to the heritable security”; and
 - (d) in subsection (4)—
 - (i) for the words “infert him therein and in” substitute “completed his title thereto and to”;
 - (ii) the words “, or in the case of a ground annual in or as nearly as may be in the terms of Form No. 6 of that Schedule” and from “And on such notice” to the end, shall cease to have effect.
- (5) In section 5 (deduction of title)—
- (a) in subsection (1)—
 - (i) for the words “any estate or interest in or security over” substitute “any real right in”;
 - (ii) after the words “instrument could” insert “(before the day appointed by order made under section 71 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5))”; and
 - (iii) for the words “an estate or interest in or security over” substitute “a real right in”;
 - (b) in subsection (2)(a)—
 - (i) the words “infert or uninfert, or” shall cease to have effect; and
 - (ii) for the words “and seventh sections” substitute “section”; and

Status: This is the original version (as it was originally enacted).

- (c) in subsection (3)(a), the words “last infeft or” shall cease to have effect.
- (6) Section 6 (notice of title equivalent to notarial instrument) shall cease to have effect.
- (7) In section 8 (description by reference), subsection (2) shall cease to have effect.
- (8) In section 9 (amendment of law as to reference to conditions of title)—
 - (a) in subsection (1), the words—
 - (i) “, whether prohibitory, irritant, resolute or otherwise,”;
 - (ii) “, instrument”, where it secondly occurs;
 - (iii) “(including any disposition granted by a creditor to himself pursuant to section eight of the Heritable Securities (Scotland) Act, 1894);”;
 - and
 - (iv) from “, and where” to the end; and
 - (b) in subsection (4), the words “, although the warrant of registration thereon shall be on behalf of the granter only”, shall cease to have effect.
- (9) Sections 10 (warrants of registration), 11 (consolidation of superiority and property), 12 (abolition and commutation of grain, etc., feu-duties) and 13 (allocation of feu-duty) shall cease to have effect.
- (10) In section 19 (applicability of forms prescribed by Act), the words “or fee” shall cease to have effect.
- (11) Sections 20 (ratification by married woman) and 23 (assignation of ground-annuals) shall cease to have effect.
- (12) In section 24 (registered leases: assimilation of forms)—
 - (a) the words “, including power of sale and other rights under a bond and disposition in security,” and “, and such forms shall have the same force and effect as the corresponding forms prescribed by the Registration of Leases (Scotland) Act 1857,” shall cease to have effect;
 - (b) in paragraph (1) of the proviso—
 - (i) after the word ““lessee”” there shall be inserted “and”; and
 - (ii) the words from “, for “infest”” to the end shall cease to have effect; and
 - (c) in paragraph (5) of the proviso, the words from “by notarial instrument” to “law and practice” shall cease to have effect.
- (13) Sections 25 (form of bond and disposition in security) and 26 (heritable creditors' remedies for recovery of feu-duties and ground-annuals) shall cease to have effect.
- (14) Sections 28 to 39 (provisions as respects heritable securities) shall cease to have effect.
- (15) In section 40(1) (exposure in lots and apportionment of feu-duty)—
 - (a) for the words “The land, or any part thereof,” substitute “Land, or any part thereof, sold in exercise of a power of sale under a bond and disposition in security”; and
 - (b) the words “feu-duty, ground-annual, stipend,” and “feu-duty and casualties, ground annual, stipend or” shall cease to have effect.

Status: This is the original version (as it was originally enacted).

- (16) In section 41(1) (purchasers protected), for the words “under sections thirty-two to forty, inclusive, of this Act” substitute “relating to the redemption or calling up of, or a sale under, a bond and disposition in security”.
- (17) Sections 42 (mode of disburdening land sold under power of sale in heritable security) and 43 (application of Act to all heritable securities) shall cease to have effect.
- (18) In section 49 (saving), subsection (1) shall cease to have effect.
- (19) In Schedule A—
- (a) the heading to Form No.1 shall be—
“CLAUSE OF DEDUCTION OF TITLE IN A DISPOSITION OF LAND WHERE THE GRANTEE DOES NOT HAVE A RECORDED TITLE” and
 - (b) in Form No.1, for the words—
 - (i) “*last infeft*” substitute “*having last recorded title*”; and
 - (ii) “*infefment*” substitute “*recorded title*”.
- (20) In Schedule B (notice of title)—
- (a) in Form No.1, for the words—
 - (i) “*last infeft*” substitute “*having last recorded title*”; and
 - (ii) “*infefment*” substitute “*recorded title*”;
 - (b) in Form No. 3, the words “*last infeft therein, or*” shall cease to have effect; and
 - (c) Forms Nos. 4 and 6 shall cease to have effect.
- (21) In the Notes to Schedule B—
- (a) in Note 1, for the word “infefment” substitute “recorded title”; and
 - (b) in Note 3—
 - (i) for the words “infefment upon” substitute “title to”; and
 - (ii) for the words “including a ground annual has been taken” substitute “has been completed”.
- (22) Schedules F (warrants of registration), G (minute of consolidation) and H (memorandum of allocation of feu duty not endorsed on a deed), and the Notes to Schedule F, shall cease to have effect.
- (23) Schedules K, L, M and N (forms relating to bonds and dispositions in security), and the