

SCHEDULE 2

(introduced by section 8(3))

FORM OF NOTICE REQUIRING COMPENSATORY
PAYMENT ETC.: ORDINARY CASE

“NOTICE UNDER SECTION 8(1) OF THE ABOLITION OF FEUDAL TENURE ETC.
(SCOTLAND) ACT 2000 (ORDINARY CASE)

To: *[name and address of former vassal]*.

This notice is sent by *[name and address of former superior]*. You are required to pay the sum of £ *[amount]* as a compensatory payment for the extinction of the feuduty of £ *[amount]* per annum due in respect of *[give sufficient identification of the land in respect of which the feuduty was due]*.

(If arrears of the feuduty are also sought, then add:

You are also required to pay the sum of £ *[amount]* as arrears of the feuduty.)

Signed: *[signature either of the former superior or of his agent; and if an agent signs he should put the word “Agent” after his signature]*

Date:

(If payment is to be made to an agent of the former superior then add:

Payment should be made to: *[name and address of agent]*.)

Status: This is the original version (as it was originally enacted).

Explanatory Note

(This explanation has no legal effect)

The feudal system was abolished on *[insert date of abolition]*. By this notice your former feudal superior is claiming compensation from you for the extinction of the feuduty which affected your property. This notice must have been sent within two years after the date of abolition.

The compensatory payment is that sum which would, if invested in 2½% Consolidated Stock at the middle market price at the close of business last preceding the date of abolition, produce an annual sum equal to the feuduty. In practice the sum is arrived at by multiplying the feuduty by a factor known as the “compensation factor”. This factor is *[insert factor]*.

If the compensatory payment is £50 or more you can choose to pay the sum by instalments. You may do this by signing, dating and returning, within eight weeks, the enclosed instalment document.

If, having received the instalment document, you sell, or transfer for valuable consideration, the property or any part of it you will lose the option of paying by instalments.

Unless you are paying by instalments you must pay the compensatory payment within eight weeks.

Your former feudal superior may also be claiming arrears of feuduty for the period before the date of abolition.

If at one time you had right to the property in question but, immediately before the feudal system was abolished, you no longer had that right (because, for example, you had transferred that property to someone else) then this notice has been served on you in error and no payment will be due in terms of the notice; but you nevertheless have to provide the person who sent you the notice, if you can, with such information as you have which might enable him to identify the person who ostensibly (that is to say, disregarding questions such as whether the feuduty has already been redeemed in the case of a transfer by conveyance for valuable consideration) should have received notice instead of you.

If you think that the amount required from you is not due for whatever reason, you are advised to consult your solicitor or other adviser.