



Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 4

REAL BURDENS

Extinction of superior's rights

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- (1) Subject to sections 18, 19, 20, 23, 27, 28 and 60 of this Act—
 - (a) a real burden which, immediately before the appointed day, is enforceable by, and only by, a superior shall on that day be extinguished; and
 - (b) any other real burden shall, on and after that day, not be enforceable by a former superior.
- (2) Subject to subsection (3) below and to the provision made by section 20 of this Act for there to be a transitional period during which a real burden shall yet be enforceable—
 - (a) on or after the appointed day, no proceedings for such enforcement shall be commenced;
 - (b) any proceedings already commenced for such enforcement shall be deemed to have been abandoned on that day and may, without further process and without any requirement that full judicial expenses shall have been paid by the pursuer, be dismissed accordingly; and
 - (c) any decree or interlocutor already pronounced in proceedings for such enforcement shall be deemed to have been reduced, or as the case may be recalled, on that day.
- (3) Subsection (2) above shall not affect any proceedings, decree or interlocutor in relation to—
 - (a) a right of irritancy held by a superior; or
 - (b) a right to recover damages or to the payment of money.