



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

2000 asp 5

## PART 6

### MISCELLANEOUS

#### *Miscellaneous*

#### [<sup>F1</sup>65A Sporting rights

- (1) Where a feudal estate of *dominium utile* of land is subject to sporting rights which are enforceable by a superior of the feu or which would be so enforceable were the person in question to complete title to the *dominium directum* the superior may, before the appointed day, by duly executing and registering against the *dominium utile* a notice in, or as nearly as may be in, the form contained in schedule 11A to this Act, prospectively convert those rights into a tenement in land.
- (2) The notice shall—
  - (a) set out the title of the superior;
  - (b) describe, sufficiently to enable identification by reference to the Ordnance Map, the land the *dominium utile* of which is subject to the sporting rights (or any part of that land);
  - (c) describe those rights; and
  - (d) set out the terms of any counter-obligation to those rights if it is a counter-obligation enforceable against the superior.
- (3) Before submitting any notice for registration under this section, the superior shall swear or affirm as is mentioned in subsection (4) of section 18 of this Act.
- (4) Subsection (5) of that section applies for the purposes of subsection (3) above as it applies for the purposes of subsection (4) of that section.
- (5) If subsections (1) to (3) above are, with subsection (4) of that section, complied with and immediately before the appointed day the sporting rights are still enforceable by the superior (or his successor) or would be so enforceable, or still so enforceable, were

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the person in question to complete title to the *dominium directum* then, on that day, the sporting rights shall be converted into a tenement in land.

- (6) No greater, or more exclusive, sporting rights shall be enforceable by virtue of such conversion than were (or would have been) enforceable as mentioned in subsection (5) above.
- (7) Where the *dominium utile* comprises parts each held by a separate vassal, each part shall be taken to be a separate feudal estate of *dominium utile* .
- (8) Where sporting rights become, under subsection (5) above, a tenement in land, the right to enforce those rights shall be subject to any counter-obligation enforceable against the superior immediately before the appointed day; and section 47 of this Act shall apply in relation to any counter-obligation to sporting rights as it applies in relation to any counter-obligation to a real burden.
- (9) In this section, “ sporting rights ” means a right of fishing or game.
- (10) This section is subject to section 41 of this Act.
- (11) Subsections (1) and (2)(a) of section 43 of this Act apply in relation to a notice submitted for registration under this section as they apply in relation to a notice so submitted under any of the provisions mentioned in those subsections; and paragraph (a) of subsection (3) of that section applies in relation to a determination for the purposes of subsection (5) of this section as it applies in relation to a determination for the purposes of any of the provisions mentioned in that paragraph.

<sup>F2</sup>( 12 ) . . . . . ]

#### Textual Amendments

- F1** S. 65A inserted (1.11.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(5), 129(3) (with ss. 119, 121); S.S.I. 2003/455, art. 2(a)
- F2** S. 65A(12) repealed (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, Sch. 5 para. 39(7) (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

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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](#)