
Status: This is the original version (as it was originally enacted).

SCHEDULE 13
AMENDMENT OF ABOLITION OF FEUDAL TENURE ETC. (SCOTLAND) ACT 2000

19 After schedule 11 there shall be inserted—

“SCHEDULE 11A

(introduced by section 65A(1))

FORM OF NOTICE PROSPECTIVELY CONVERTING
SPORTING RIGHTS INTO TENEMENT IN LAND

“NOTICE PROSPECTIVELY CONVERTING SPORTING RIGHTS INTO TENEMENT IN LAND

Superior:

(see note for completion 1)

Description of land subject to sporting rights:

(see note for completion 2)

Description of sporting rights:

(see note for completion 3)

Any counter-obligation:

(see note for completion 3)

Title to the superiority:

(see note for completion 4)

Service:

(see note for completion 5)

I swear [or affirm] that the information contained in this notice is, to the best of my knowledge and belief, true.

Signature of superior:

(see note for completion 6)

Signature of notary public:

Date: . . .

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Explanatory note

(This explanation has no legal effect)

This notice is sent by your feudal superior.

By it the feudal superior asserts that at present your property is subject to certain sporting rights (that is to say, to rights of fishing or game) enforceable by him as superior and he seeks to continue to enjoy those rights on a different basis: that is to say, as a tenement in land.

The notice, if it is registered in the Land Register of Scotland or recorded in the Register of Sasines under section 65A of the Abolition of Feudal Tenure etc. (Scotland) Act 2000, will have that effect when (shortly) the feudal system is abolished.

If you think there is a mistake in this notice or if you wish to challenge it, you are advised to consult your solicitor or other adviser.

Notes for completion of the notice

(These notes have no legal effect)

- 1 Insert name and address of superior.
- 2 Describe the land in a way that is sufficient to enable the Keeper to identify it by reference to the Ordnance Map. Where the title to the land has been registered in the Land Register the description should refer to the title number of the land or of the larger subjects of which the land forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 3 Specify by reference to the appropriate Register the deed or deeds in which the sporting rights were reserved or the counter-obligation was imposed. Describe the sporting rights or set out the counter-obligation in full or refer to the deed in such a way as to identify those rights or that counter-obligation.
- 4 Where the title has been registered in the Land Register of Scotland and the superior is—
 - (a) infert, specify the title number;
 - (b) uninfert, specify the title number and set out the midcouples or links between the person last infert and the superior so as sufficiently to identify them.

Where the title has not been registered in the Land Register and the superior—

 - (a) has a recorded title, specify by reference to the Register of Sasines the deed constituting the immediate title;
 - (b) does not have a recorded title, either—
 - (i) specify by reference to the Register of Sasines the deed constituting the immediate title of the person last infert and set out the midcouples or links between the person last infert and the superior so as sufficiently to identify them; or

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- (ii) if there is no such deed, specify the nature of the superior's title.
- 5 Do not complete until a copy of the notice has been sent to the owner of the land subject to the sporting rights (except in a case where this is not reasonably practicable). Then insert whichever is applicable of the following:
- “The superior has sent a copy of this notice by [*specify whether by recorded delivery or registered post or by ordinary post*] on [*date of posting*] to the owner of the land subject to the sporting rights at [*state address*].”; or
- “It has not been reasonably practicable to send a copy of this notice to the owner of the land subject to the sporting rights for the following reason: [*specify the reason*].”.
- 6 The notice should not be signed by the superior until a copy of it has been sent (or otherwise) as mentioned in note 5. Before signing, the superior should swear or affirm before a notary public (or, if the notice is being completed outwith Scotland, before a person duly authorised under the local law to administer oaths or receive affirmations) that, to the best of the superior's knowledge and belief, all the information contained in the notice is true. The notary public should also sign. Swearing or affirming a statement which is known to be false or which is believed not to be true is a criminal offence under the False Oaths (Scotland) Act 1933. Normally the superior should swear or affirm, and sign, personally. If, however, the superior is legally disabled or incapable (for example, because of mental disorder) his legal representative should swear or affirm and sign. If the superior is not an individual (for example, if it is a company) a person entitled by law to sign formal documents on its behalf should swear or affirm and sign.”.