



Feudal Casualties (Scotland) Act 1914

1914 CHAPTER 48 4 and 5 Geo 5

17 Provision as to divided feus.

- (1) Where any feu created prior to the commencement of this Act has been divided before or shall be divided after such commencement, but the proprietors of the parts of such feu are not entitled, each for himself, to redeem the casualties incident to their respective parts thereof, the superior shall be entitled, by notice as in this Act provided, to require the proprietor of any part of such feu to redeem, and any such proprietor when so required shall be entitled to redeem, for himself and the other proprietors, the casualties incident to the whole of such feu.
- (2) The compensation in respect of such casualties shall be the aggregate of the sums which would have been payable if such proprietors had been entitled, each for himself, to redeem in terms of this Act the proportion of the casualties incident to their respective parts of the feu, and such compensation shall (failing agreement among the whole of the proprietors of such feu as to payment of the capital amount) be converted into an annual sum in terms of section nine of this Act.
- (3) The annual sum into which such compensation is converted, and the expenses incurred by such part proprietor in carrying out such redemption and conversion, shall be borne by the proprietors of the respective parts of such feu inter se in the proportions which the portions of compensation applicable to these respective parts of the feu bear to the aggregate compensation; and any part proprietor paying such annual sum or expenses shall be entitled to recover their proportions from his co-proprietors, and all the remedies and preferences competent to the superior for recovery of feu duties payable from the feu, including pointing of the ground and sequestration, shall, by virtue of this Act, be held to be assigned to such part proprietor paying such annual sum to the effect of enabling him to recover their proportions from his co-proprietors and out of the parts of the feu belonging to them respectively: Provided always that, if any proprietor of part of such feu shall, in terms of the title of such feu or any part thereof, have a right of relief against his co-proprietors in the feu or their respective parts thereof from payment of the whole or any part of the casualties incident to such feu, he shall to the same extent be entitled to be relieved by them and out of their respective parts of the feu from payment of the annual sum into which such compensation may be converted, and of such expenses.

Changes to legislation: *Feudal Casualties (Scotland) Act 1914, Section 17 is up to date with all changes known to be in force on or before 08 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) The proprietor of any part of such feu shall be entitled to redeem, as if he were the proprietor of an undivided feu, the casualties, or the proportion of the annual sum into which compensation for casualties has been converted, for which as between the several parts of the feu the part belonging to such proprietor is liable by the titles or otherwise, but without prejudice to the rights of the superior to recover the compensation for the casualties applicable to the remainder of the feu or the annual sum representing such compensation as if such redemption had not been made. No proprietor of part of such feu shall be entitled, unless with the consent of the superior, to have the compensation which is applicable to his part of the feu converted separately into an annual sum in terms of this Act.

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[View outstanding changes](#)

Commencement Orders yet to be applied to the Feudal Casualties (Scotland) Act 1914

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2003/456 art. 2 commences \(2000 asp 5\)](#)