

NINE HUNDRED NOT OUT . . .

SPANNING the last nine centuries of Scottish history, R.F. Callender's book, *A Pattern of Landownership in Scotland* must rank as the most comprehensive work so far available on this subject.

Scotland's system of land ownership differs from the rest of Britain in that it is defined by Scots Law and the method under which land is owned is legally classified as feudal. All rights of ownership derive from the Crown who, as the ultimate owner, is known as Paramount Superior to whom all other owners are vassals.

The highest level of rights is the interests of the Crown known as *regalia*, e.g. the ownership of coastal waters. The second level is the interests of superiority known as *dominus directum*, whose rights are commonly reserved in minerals, sport and the erection of buildings. The third level is the interests of the vassal in possession of the land, known as *dominium utile*. Below that comes the tenants who derive their rights of occupation and use from the vassal.

Feudal land ownership was firmly established in Scotland by the 11th Century and has survived largely unaltered to the present day, though it was abolished in England in 1290. It has given Scotland the most concentrated pattern of land ownership in Europe.

- 75% of all privately owned land is still held in estates of 1,000 acres or more.
- 90% of Scotland's 19.1 million acres belong to 1500 landowners.
- The remaining 10% is divided

REVIEW: Ronald Rennie

among the 5 million other inhabitants. Valuation, or tax rolls, were first introduced in 1643, and based on a system of "valued rent" which was replaced in 1656 by the real value of each property. These valuation rolls were completed for each parish and the landowners in that parish (the "parish inheritors") were listed along with the rent of the land they owned within the parish.

Aberdeenshire (1.25 m acres) is one of the few counties for which these valuation rolls still exist. In 1667 the county had 82 parishes, 779 heritors and a combined rental of £21,000 in modern currency.

The heritors had parochial commitments to the upkeep of the buildings and staff of churches and schools and for the provision of poor relief. Here lies historical proof that in Scotland 320 years ago the entire burden of local rates rested on the landowners.

During the 1745 Jacobite rebellion many Scottish landowners and their vassals fought for the Young Pretender, Bonnie Prince Charlie. Some lost their lives and most forfeited their estates, the majority of which were eventually restored to their heirs.

It is interesting that, in an Act of Parliament passed shortly after the rebellion abolishing the heritable jurisdictions, £15,200 compensation was

paid to the feudal landlords for the loss of this outrageous privilege.

The possession of land in Scotland has always given to landowners extensive powers over the use of their land and the people living on it. It was not until 1970 that the superior's right of pre-emption - to buy back feus whenever the property was going to be sold - was reduced to once only.

Once granted feu duty is payable in perpetuity, but in 1974 the imposition of new feu duties was prohibited and feu-holders were given the right to commute their feu duties by making a single payment to their superior.

The author concludes the last chapter with the following paragraph: "For nine centuries, feudal landownership has controlled the relationship between people and place in Scotland. The ideas and values of this ancient system, developed as legal theory and expressed as law, represent one way of governing this fundamental relationship."

It is to be hoped that the Law of the Land will not have to be re-written to achieve justice in our society. When the whole rental value of the land provides the public revenue landowners may well lose interest in land which they do not occupy and which yields them no income.

Then the ancient rights of superiority may simply wither away.

□ *A Pattern of Landownership in Scotland* is available from Haughend Publications, Finzean, Aberdeenshire AB3 3PP.

Concern for first-time home buyers

BRITAIN'S housebuilders are worried about the low proportion of first-time buyers able to afford new homes. Says House-Builders Federation President Peter Short: "This is the result of high land prices requiring builders to build higher

priced houses in order to remain profitable." The fears were measured by the state of trade enquiry last July, in which builders were asked to identify the constraints on future sales. This is what they revealed:

	Degree of Constraint		
	Major	Minor	No current problem
Mortgage availability	2%	17%	81%
Labour availability	18%	47%	35%
Materials availability	11%	50%	39%
Lack of purchaser confidence	5%	18%	78%
Delays/chains "down the line"	23%	56%	21%
Inadequate supply of land to meet demand	62%	20%	18%
Purchasers inability to pay house prices irrespective of land availability	11%	49%	41%

Note: Percentage figures may not add due to rounding