



Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 4

REAL BURDENS

Conservation burdens

[^{F1}27A] **Nomination of conservation body or Scottish Ministers to have title to enforce conservation burden**

- (1) Where a person other than a conservation body or the Scottish Ministers has the right as superior to enforce a real burden of the class described in section 27(2) of this Act or would have that right were he to complete title to the *dominium directum*, he may, subject to subsection (2) below, before the appointed day nominate for the benefit of the public, by executing and registering against the *dominium utile* of the land subject to the burden a notice in, or as nearly as may be in, the form contained in schedule 8A to this Act, a conservation body or the Scottish Ministers to have title on or after that day to enforce the burden against that land; and, without prejudice to section 27(1) of this Act, any burden as respects which such title to enforce is by virtue of this subsection so obtained shall, on and after the appointed day, be known as a “conservation burden”.
- (2) Subsection (1) above applies only where the consent of the nominee to being so nominated is obtained—
 - (a) in a case where sending a copy of the notice, in compliance with section 41(3) of this Act, is reasonably practicable, before that copy is so sent; and
 - (b) in any other case, before the notice is executed.
- (3) The notice shall—
 - (a) state that the nominee is a conservation body (identifying it) or the Scottish Ministers, as the case may be; and
 - (b) do as mentioned in paragraphs (b) to (e) of section 27(3) of this Act.
- (4) This section is subject to sections 41 and 42 of this Act except that, in the application of subsection (1)(i) of section 42 for the purposes of this subsection, such discharge as

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is mentioned in that subsection shall be taken to require the consent of the nominated person.]

Textual Amendments

- F1** S. 27A inserted (1.11.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(3), 129(3) (with ss. 119, 121); S.S.I. 2003/455, art. 2(a)

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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- s. 18C(1) words repealed by [2004 asp 7 sch. 2](#)
- s. 18C(3) words repealed by [2004 asp 7 sch. 2](#)