



Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 4

REAL BURDENS

Interpretation

49 Interpretation of Part 4

In this Part of this Act, unless the context otherwise requires—

“conservation body” means a body prescribed [^{F1}by order under section 38(4) of the Title Conditions (Scotland) Act 2003 (asp 9)];

“conservation burden” shall be construed in accordance with [^{F2}sections 27(1) and 27A(1)] of this Act;

“development value burden” and “development value” shall be construed in accordance with section 33 of this Act;

[^{F3}“economic development burden” shall be construed in accordance with section 18B(3) of this Act;

“health care burden” shall be construed in accordance with section 18C(3) of this Act;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39);]

“notary public” includes any person duly authorised by the law of the country (other than Scotland) in which the swearing or affirmation takes place to administer oaths or receive affirmations in that other country;

[^{F4}“personal pre-emption burden” and “personal redemption burden” shall be construed in accordance with section 18A(5) of this Act]

“real burden”—

(a) includes—

(i) a right of pre-emption;

(ii) a right of redemption; or

(iii) ^{F5}

Changes to legislation: Abolition of Feudal Tenure etc. (Scotland) Act 2000, Section 49 is up to date with all changes known to be in force on or before 25 May 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

provided that it is constituted as a real burden; but

(b) does not include a pecuniary real burden [^{F6}or sporting rights (as defined by section 65A(9) of this Act)];

“registering” means registering an interest in land (or information relating to such an interest) in the Land Register of Scotland or, as the case may be, recording a document in the Register of Sasines; and cognate expressions shall be construed accordingly; and

“superior” means a person who has right to the immediate superiority or to any over-superiority, whether or not he has completed title (and if more than one person comes within either of those descriptions then, in relation to that description, the person who has most recently acquired such right) and “former superior” shall be construed accordingly.

Textual Amendments

- F1** S. 49: words in definition of "conservation body" substituted (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 114(6), 129(3), **sch. 13 para. 10(a)** (with ss. 119, 121)
- F2** S. 49: words in definition of "conservation burden" substituted (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 114(6), 129(3), **sch. 13 para. 10(b)** (with ss. 119, 121)
- F3** S. 49: definitions inserted (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 114(6), 129(3), **sch. 13 para. 10(c)** (with ss. 119, 121)
- F4** S. 49: definition inserted (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 114(6), 129(3), **sch. 13 para. 10(d)** (with ss. 119, 121)
- F5** S. 49: words in definition of "real burden" repealed (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 128(2), 129(5)(b)(c), **sch. 15** (with ss. 119, 121)
- F6** S. 49: words in definition of "real burden" inserted (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 114(6), 129(3), **sch. 13 para. 10(e)** (with ss. 119, 121)

Changes to legislation:

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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](#)