



# Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

## PART 4

### REAL BURDENS

#### *Conservation burdens*

#### 27 Notice preserving right to enforce conservation burden

- (1) Where a conservation body has, or the Scottish Ministers have, the right as superior to enforce a real burden of the class described in subsection (2) below or would have that right were it or they to complete title to the *dominium directum*, it or they may, before the appointed day, preserve for the benefit of the public the right to enforce the burden in question after that day 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 8 to this Act; and any burden as respects which such a right is so preserved shall, on and after the appointed day, be known as a “conservation burden”.
- (2) The class is those real burdens which are enforceable against a feudal estate of *dominium utile* of land for the purpose of preserving, or protecting—
  - (a) the architectural or historical characteristics of the land; or
  - (b) any other special characteristics of the land (including, without prejudice to the generality of this paragraph, a special characteristic derived from the flora, fauna or general appearance of the land).
- (3) The notice shall—
  - (a) state that the superior is a conservation body by virtue of section 26 of this Act or that the superior is the Scottish Ministers;
  - (b) set out the title of the superior;
  - (c) describe, sufficiently to enable identification by reference to the Ordnance Map, the land subject to the real burden (or any part of that land);
  - (d) set out the terms of the real burden; and

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*Status: This is the original version (as it was originally enacted).*

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- (e) set out the terms of any counter-obligation to the real burden if it is a counter-obligation enforceable against the superior.
- (4) This section is subject to sections 41 and 42 of this Act.