



# Long Leases (Scotland) Act 2012

## 2012 asp 9

### PART 2

#### CONVERSION OF CERTAIN LEASEHOLD CONDITIONS TO REAL BURDENS

##### *Personal real burdens*

#### **27 Conversion to conservation burden: rule one**

- (1) Where a conservation body is, or the Scottish Ministers are, entitled to enforce a qualifying condition of the category described in subsection (2), it or they may, before the appointed day, prospectively convert that qualifying condition into a conservation burden for the benefit of the public by executing and registering a notice.
- (2) The category is those qualifying conditions which have the purpose of preserving or protecting—
  - (a) the architectural or historical characteristics of land, or
  - (b) any other special characteristics of 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 referred to in subsection (1) must—
  - (a) be in the prescribed form,
  - (b) set out the title to enforce the qualifying condition of the person executing and registering the notice,
  - (c) state that such person is a conservation body or the Scottish Ministers,
  - (d) identify the qualifying land (or any part of such land),
  - (e) set out the terms of the qualifying condition, and
  - (f) set out the terms of any counter-obligation to the qualifying condition if it is a counter-obligation enforceable against the person executing and registering the notice.
- (4) For the purposes of subsection (1)—
  - (a) a notice is registered only when registered against the land identified in pursuance of subsection (3)(d), and

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*Status: This is the original version (as it was originally enacted).*

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- (b) the notice may be registered against the title of the owner of the land or of the tenant under the qualifying lease.
- (5) If subsections (1) to (4) are complied with and immediately before the appointed day the qualifying condition is still enforceable by the conservation body or the Scottish Ministers then, on that day, the qualifying condition becomes a conservation burden—
  - (a) in favour of the conservation body or (as the case may be) the Scottish Ministers, and
  - (b) in relation to which the land identified in pursuance of subsection (3)(d) is the burdened property.
- (6) The references in subsection (5) to—
  - (a) the conservation body include references to—
    - (i) any conservation body which is, or
    - (ii) the Scottish Ministers where they are,its successor as the person entitled to enforce the qualifying condition, and
  - (b) the Scottish Ministers include references to a conservation body which is their successor as such person.
- (7) This section is subject to sections 36 and 75.