



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 [^{F1}, without prejudice to section 27A(1) of this Act,] 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 [^{F2}38 of the Title Conditions (Scotland) Act 2003 (asp 9) (which makes provision generally as respects conservation burdens)] 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);

Changes to legislation: Abolition of Feudal Tenure etc. (Scotland) Act 2000, Section 27 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

- (d) set out the terms of the real burden; and
- (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.

Textual Amendments

- F1** Words in s. 27(1) inserted (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 114(6), 129(3), [sch. 13 para. 6\(a\)](#) (with ss. 119, 121)
- F2** Words in s. 27(3)(a) substituted (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 114(6), 129(3), [sch. 13 para. 6\(b\)](#) (with ss. 119, 121)

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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](#)