



Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 4

REAL BURDENS

Conservation burdens

28 Enforcement of conservation burden

- (1) ^{F1} . . . If a notice has been executed and registered in accordance with section 27 of this Act and, immediately before the appointed day, the burden to which the notice relates is still enforceable by the conservation body or the Scottish Ministers as superior or would be so enforceable, or still so enforceable, were the body in question or they to complete title to the *dominium directum* then, on and after the appointed day, the conservation body or as the case may be the Scottish Ministers shall—
- (a) subject to any counter-obligation, have title to enforce the burden against the land to which the notice in question relates; and
 - (b) be presumed to have an interest to enforce that burden.
- (2) The references in subsection (1) above 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 superior;
 - (b) the Scottish Ministers include references to a conservation body which is their successor as superior.

Textual Amendments

- F1** Words in s. 28 repealed (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 128(2), 129(5) (b)(c), [sch. 15](#) (with ss. 119, 121)

Changes to legislation:

Abolition of Feudal Tenure etc. (Scotland) Act 2000, Section 28 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.

[View outstanding changes](#)

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- s. 18C(1) words repealed by [2004 asp 7 sch. 2](#)
- s. 18C(3) words repealed by [2004 asp 7 sch. 2](#)