



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 under section 26(1) of this Act;

“conservation burden” shall be construed in accordance with section 27(1) of this Act;

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

“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;

“real burden”—

(a) includes—

(i) a right of pre-emption;

(ii) a right of redemption; or

(iii) a right (other than an exclusive right) of fishing or game,

provided that it is constituted as a real burden; but

(b) does not include a pecuniary real burden;

“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

Status: This is the original version (as it was originally enacted).

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.