



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 3

CONSERVATION AND OTHER PERSONAL REAL BURDENS

Rural housing burdens

43 Rural housing burdens

- (1) On and after the day on which this section comes into force it shall, subject to subsections (2) and (3) below, be competent to create a real burden which comprises a right of pre-emption in favour of a rural housing body other than by reference to the body's capacity as owner of any land; and any such burden shall be known as a "rural housing burden".
- (2) If under subsection (1) above the rural housing burden is to be created other than by the rural housing body, the consent of that body to the creation of the burden in its favour must be obtained before the constitutive deed is registered.
- (3) It shall not be competent to create a rural housing burden on the sale of a property by virtue of section 61 of the Housing (Scotland) Act 1987 (c. 26) (secure tenant's right to purchase).
- (4) It shall not be competent to grant a standard security over a rural housing burden.
- (5) The Scottish Ministers may, subject to subsection (6) below, by order, prescribe such body as they think fit to be a rural housing body.
- (6) The power conferred by subsection (5) above may be exercised in relation to a body only if the object, or function, of the body (or, as the case may be one of its principal objects or functions) is to provide housing on rural land or to provide rural land for housing.
- (7) Where the power conferred by subsection (5) above is exercised in relation to a trust, the rural housing body shall be the trustees of the trust.
- (8) The Scottish Ministers may, by order, determine that such rural housing body as may be specified in the order shall cease to be a rural housing body.

Status: This is the original version (as it was originally enacted).

- (9) In this section, “rural land” means land other than excluded land (“excluded land” having the same meaning as in Part 2 of the Land Reform (Scotland) Act 2003 (asp 2)).
- (10) Sections 39 to 42 of this Act apply in relation to a rural housing burden and a rural housing body as they apply in relation to a conservation burden and a conservation body but with the modifications that in section 39 the words “or to the Scottish Ministers” shall be disregarded and in section 42(b) the reference to an order under section 38(7) of this Act shall be construed as a reference to an order under subsection (8) above.