



Long Leases (Scotland) Act 2012

2012 asp 9

PART 2

CONVERSION OF CERTAIN LEASEHOLD CONDITIONS TO REAL BURDENS

Personal real burdens

25 Conversion to health care burden

- (1) Where the Scottish Ministers are entitled to enforce a qualifying condition which is imposed for the purpose of promoting the provision of facilities for health care, they may, before the appointed day, prospectively convert that qualifying condition into a health care burden by executing and registering a notice.
- (2) The notice must—
 - (a) be in the prescribed form,
 - (b) set out the title of the Scottish Ministers to enforce the qualifying condition,
 - (c) identify the qualifying land (or any part of such land),
 - (d) set out the terms of the qualifying condition,
 - (e) set out the terms of any counter-obligation to the qualifying condition if it is a counter-obligation enforceable against the Scottish Ministers, and
 - (f) state that the qualifying condition was imposed for the purpose of promoting the provision of facilities for health care and provide information in support of that statement.
- (3) For the purposes of subsection (1)—
 - (a) a notice is registered only when registered against the land identified in pursuance of subsection (2)(c), and
 - (b) the notice may be registered against the title of the owner of the land or of the tenant under the qualifying lease.
- (4) If subsections (1) to (3) are complied with and immediately before the appointed day the qualifying condition is still enforceable by the Scottish Ministers then, on that day, the qualifying condition becomes a health care burden—
 - (a) in favour of the Scottish Ministers, and

Status: This is the original version (as it was originally enacted).

- (b) in relation to which the land identified in pursuance of subsection (2)(c) is the burdened property.
- (5) This section is subject to sections 36 and 75.