



Long Leases (Scotland) Act 2012

2012 asp 9

PART 2

CONVERSION OF CERTAIN LEASEHOLD CONDITIONS TO REAL BURDENS

Personal real burdens

26 Conversion to climate change burden

- (1) Where a public body or trust is, or the Scottish Ministers are, entitled to enforce a qualifying condition which is imposed for the purpose of reducing greenhouse gas emissions, it or they may, before the appointed day, prospectively convert that qualifying condition into a climate change burden by executing and registering a notice.
- (2) The notice must—
 - (a) be in the prescribed form,
 - (b) set out the title to enforce the qualifying condition of the person executing and registering the notice,
 - (c) state that such person is a public body, trust or the Scottish Ministers,
 - (d) identify the qualifying land (or any part of such land),
 - (e) set out the terms of the qualifying condition,
 - (f) set out the terms of any counter-obligation to the qualifying condition if it is a counter-obligation enforceable against the person executing and registering the notice, and
 - (g) state that the qualifying condition was imposed for the purpose of reducing greenhouse gas emissions 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)(d), and
 - (b) the notice may be registered against the title of the owner of the land or of the tenant under the qualifying lease.

Changes to legislation: There are currently no known outstanding effects for the Long Leases (Scotland) Act 2012, Section 26. (See end of Document for details)

- (4) If subsections (1) to (3) are complied with and immediately before the appointed day the qualifying condition is still enforceable by the public body, trust or the Scottish Ministers then, on that day, the qualifying condition becomes a climate change burden—
- (a) in favour of the public body, the trust or (as the case may be) the Scottish Ministers, and
 - (b) in relation to which the land identified in pursuance of subsection (2)(d) is the burdened property.
- (5) In this section—
- “emissions” has the meaning given by section 17(1) of the Climate Change (Scotland) Act 2009 (asp 12),
 - “greenhouse gas” has the meaning given by section 10(1) of that Act,
 - “public body” means a body listed in Part I or II of the Schedule to the Title Conditions (Scotland) Act 2003 (Conservation Bodies) Order 2003 (SSI 2003/453).
- (6) This section is subject to sections 36 and 75.

Commencement Information

- I1** S. 26(1)(2)(b)-(g)(3)-(6) in force at 21.2.2014 by [S.S.I. 2013/322, art. 3\(b\)](#)
- I2** S. 26(2)(a) in force at 28.11.2013 for specified purposes by [S.S.I. 2013/322, art. 2\(m\), Sch.](#)
- I3** S. 26(2)(a) in force at 21.2.2014 in so far as not already in force by [S.S.I. 2013/322, art. 3\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Long Leases (Scotland) Act 2012, Section 26.