



# Long Leases (Scotland) Act 2012

## 2012 asp 9

### PART 2

#### CONVERSION OF CERTAIN LEASEHOLD CONDITIONS TO REAL BURDENS

##### *Other real burdens*

#### **29 Conversion to facility or service burden**

- (1) Where a qualifying condition regulates the maintenance, management, reinstatement or use of heritable property which constitutes, and is intended to constitute, a facility of benefit to land other than the qualifying land then, on the appointed day, such condition becomes a facility burden in relation to which—
  - (a) the qualifying land is the burdened property, and
  - (b) the heritable property which constitutes the facility and any land to which the facility is (and is intended to be) of benefit is the benefited property.
- (2) Where a qualifying condition relates to the provision of services to land other than the qualifying land, then the qualifying condition, on the appointed day, becomes a service burden in relation to which—
  - (a) the qualifying land is the burdened property, and
  - (b) any land to which the services are provided is the benefited property.
- (3) Without prejudice to the generality of subsection (1), examples of property which might constitute a facility mentioned in that subsection are—
  - (a) a common part of a tenement,
  - (b) a common area for recreation,
  - (c) a private road,
  - (d) private sewerage,
  - (e) a boundary wall.

#### **Commencement Information**

**II** S. 29 in force at 28.11.2013 by S.S.I. 2013/322, art. 2(c)

**Changes to legislation:**

There are currently no known outstanding effects for the Long Leases (Scotland) Act 2012, Section 29.