



Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 4

REAL BURDENS

Reallotment etc.

[^{F1}18B Conversion into economic development burden

- (1) Without prejudice to section 18 of this Act, where a feudal estate of *dominium utile* of land is subject to a real burden which is imposed for the purpose of promoting economic development and is enforceable by the Scottish Ministers or a local authority, being in either case the superior of the feu, or would be so enforceable were the Scottish Ministers or as the case may be the local authority to complete title to the *dominium directum*, the superior may, before the appointed day, by duly executing and registering against the *dominium utile* a notice in, or as nearly as may be in, the form contained in schedule 5B to this Act, prospectively convert that burden into an economic development burden.
- (2) The notice shall—
 - (a) set out the title of the superior;
 - (b) describe, sufficiently to enable identification by reference to the Ordnance Map, the land the *dominium utile* of which is subject to the real burden (or any part of that land);
 - (c) set out the terms of the real burden;
 - (d) set out the terms of any counter-obligation to the real burden if it is a counter-obligation enforceable against the superior; and
 - (e) state that the burden was imposed for the purpose of promoting economic development and provide information in support of that statement.
- (3) If subsections (1) and (2) above are complied with and immediately before the appointed day the real burden is still enforceable by the superior or would be so enforceable were the Scottish Ministers or as the case may be the local authority to complete title to the *dominium directum* then on that day the real burden shall be

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converted into an economic development burden and on and after that day the Scottish Ministers or, as the case may be, the authority, shall—

- (a) have title to enforce the burden against the land to which the notice relates; and
 - (b) be presumed to have an interest to enforce it.
- (4) Title to enforce the burden against the land to which the notice relates shall be subject to any such counter-obligation as was set out by virtue of subsection (2)(d) above.
- (5) This section is subject to sections 41 and 42 of this Act.]

Textual Amendments

- F1** Ss. 18A-18C inserted (4.4.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), **ss. 114(2), 129(3)** (with **ss. 119, 121**)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18C(1) words repealed by [2004 asp 7 sch. 2](#)
- s. 18C(3) words repealed by [2004 asp 7 sch. 2](#)