



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.