Changes to legislation: *Abolition of Feudal Tenure etc. (Scotland) Act 2000, SCHEDULE 8 is up to date with all changes known to be in force on or before 06 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 8

(introduced by section 27(1))

FORM OF NOTICE PRESERVING CONSERVATION BODY'S OR SCOTTISH MINISTERS' RIGHT TO REAL BURDEN

"**NOTICE PRESERVING CONSERVATION BODY'S OR SCOTTISH MINISTERS' RIGHT TO REAL BURDEN**

Superior (being a conservation body or the Scottish Ministers):

(*see note for completion 1*)

Description of land subject to the real burden:

(*see note for completion 2*)

Terms of real burden:

(*see note for completion 3*)

Any counter-obligation:

(*see note for completion 3*)

Title to the superiority:

(*see note for completion 4*)

Service:

(*see note for completion 5*)

Signature of superior:

(*see note for completion 6*)

Signature of witness:

Name and address of witness:

Date:.".

Explanatory Note

(This explanation has no legal effect)

This notice is sent by your feudal superior.

At present the use of your property is subject to certain burdens and conditions enforceable by the feudal superior. The feudal system is shortly to be abolished. [By the regulations mentioned in the notice, the Scottish Ministers have prescribed that your superior should be a conservation body. Such a body is entitled to enforce certain real burdens (referred to prospectively as ("conservation burdens".] *or* [The feudal superior is the Scottish Ministers and it is intended that they shall enforce certain real burdens (referred to prospectively as ("conservation burdens"[F1]. . . .] These are burdens which have been imposed in the public interest for the preservation or protection either of architectural or historic characteristics of land or of some other special characteristic of land derived from the flora, fauna, or general

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appearance of the land. By this notice [the conservation body is] [the Scottish Ministers are] claiming the right to continue to enforce a conservation burden, not as superior but [in its capacity as a conservation body] [in their capacity as the Scottish Ministers]. The notice, if it is registered in the Land Register of Scotland or recorded in the Register of Sasines under section 27 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000, will allow the burden and conditions to be so enforced after the feudal system has been abolished.

Textual Amendments

F1 Sch. 8 Explanatory Note: words repealed (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 128(2), 129(5)(b)(c), **sch. 15** (with ss. 119, 121)

If you think that there is a mistake in this notice or if you wish to challenge it, you are advised to consult your solicitor or other adviser.

Notes for completion of the notice

(These notes have no legal effect)

[[F2]1 In the case of a conservation body, insert the year and number of the relevant statutory instrument and the name and address of that body.**]**

Textual Amendments

F2 Sch. 8 Notes for Completion: Note 1 substituted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), **ss. 114(6)**, 129(3) {sch. 13 para. 17}, (with ss. 119, 121)

2 Describe the land in a way that is sufficient to enable the Keeper to identify it by reference to the Ordnance Map. Where the title to the land has been registered in the Land Register the description should refer to the title number of the land or of the larger subjects of which the land forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.

3 Specify by reference to the appropriate Register the deed or deeds in which the real burden or counter-obligation was imposed. Set out the real burden or counter-obligation in full or refer to the deed in such a way as to identify the real burden or counter— obligation.

4 Where the title has been registered in the Land Register of Scotland and the superior is—

(a) infeft, specify the title number;

(b) uninfeft, specify the title number and set out the midcouples or links between the person last infeft and the superior so as sufficiently to identify them.

Where the title has not been registered in the Land Register and the superior—

(a) has a recorded title, specify by reference to the Register of Sasines the deed constituting the immediate title;

(b) does not have a recorded title, either—

(i) specify by reference to the Register of Sasines the deed constituting the immediate title of the person last infeft and set out the midcouples or links between the person last infeft and the superior so as sufficiently to identify them; or

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(ii) if there is no such deed, specify the nature of the superior's title.

5 Do not complete until a copy of the notice has been sent to the owner of the land subject to the burden (except in a case where this is not reasonably practicable). Then insert whichever is applicable of the following:

"The superior has sent a copy of this notice by [*specify whether by recorded delivery or registered post or by ordinary post*] on [*date of posting*] to the owner of the land subject to the real burden at [*state address*]."; or

"It has not been reasonably practicable to send a copy of this notice to the owner of the land subject to the real burden for the following reason: [*specify the reason*].".

6 The notice should not be signed until a copy of it has been sent (or otherwise) as mentioned in note 5. The conservation body or the Scottish Ministers should sign.

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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