

## **EXECUTIVE NOTE**

### **The Title Conditions (Scotland) Act 2003 (Conservation Bodies) Amendment Order 2008 SSI/2008/217**

The powers to make this Order are conferred by section 38(4) of the Title Conditions (Scotland) Act 2003.

#### **Policy Objectives**

This Order amends the Title Conditions (Scotland) Act 2003 (Conservation Bodies) Order 2003 by adding Dundee Historic Environment Trust, Inverness City Heritage Trust and Sir Henry Wade's Pilmuir Trust to the Schedule to that Order.

The Title Conditions (Scotland) Act 2003 gives Scottish Ministers the power to designate a list of 'conservation bodies' who will be able to enforce certain conditions in the title deeds of property that ensure it will be used with certain conservation objectives in mind. The purpose of the body and the conditions which it may enforce will be to preserve or protect, for the benefit of the public:-

- (a) the architectural or historical characteristics of the land (which includes buildings); or
- (b) any other special characteristics of the land (including, a special characteristic derived from the flora, fauna or general appearance of the land).

These conditions will either be created in a deed conveying the land, typically at the time of sale, or by agreement. An example could be where a preservation trust restored and sold an historic building and wished to ensure that future alterations were in keeping with the restoration work.

Previous amending Orders designating conservation bodies were laid in 2004, 2006 and 2007.

#### **Consultation**

None required as applicants either meet the terms of the legislation or they do not.

#### **Regulatory Impact Assessment**

None required as there is no impact on business.

#### **Financial Effects**

The instrument has no financial effect on the Scottish Government, local government or on business.

Scottish Government  
Constitution, Law and Courts Directorate  
June 2008