

Status: Point in time view as at 01/11/2003.

Changes to legislation: Abolition of Feudal Tenure etc. (Scotland) Act 2000, Cross Heading: Notes for completion of the notice is up to date with all changes known to be in force on or before 28 September 2023. 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)

[^{F1}SCHEDULE 8A
FORM OF NOTICE NOMINATING CONSERVATION BODY OR
SCOTTISH MINISTERS TO HAVE TITLE TO ENFORCE REAL BURDEN

Textual Amendments

F1 Sch. 8A inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 114(6), 129(3) {sch. 13 para. 18}, (with ss. 119, 121)

Notes for completion of the notice

(These notes have no legal effect)

- 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.
- 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) uninfef, 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.
- 5 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
 - (ii) if there is no such deed, specify the nature of the superior's title.
- 6 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*].”

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- 7 The notice should not be signed by the superior until a copy of it has been sent (or otherwise) as mentioned in note 6.
- 8 The nominee should sign, so as to indicate consent, before that copy is sent (or otherwise) as so mentioned.]

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