



Abolition of Feudal Tenure etc. (Scotland) Act 2000

2000 asp 5

PART 4

REAL BURDENS

Conservation burdens

28 Enforcement of conservation burden

- (1) Subject to section 31 of this Act, if a notice has been executed and registered in accordance with section 27 of this Act and, immediately before the appointed day, the burden to which the notice relates is still enforceable by the conservation body or the Scottish Ministers as superior or would be so enforceable, or still so enforceable, were the body in question or they to complete title to the *dominium directum* then, on and after the appointed day, the conservation body or as the case may be the Scottish Ministers shall—
- (a) subject to any counter-obligation, have title to enforce the burden against the land to which the notice in question relates; and
 - (b) be presumed to have an interest to enforce that burden.
- (2) The references in subsection (1) above to—
- (a) the conservation body include references to—
 - (i) any conservation body which is; or
 - (ii) the Scottish Ministers where they are, its successor as superior;
 - (b) the Scottish Ministers include references to a conservation body which is their successor as superior.