



# Title Conditions (Scotland) Act 2003

## 2003 asp 9

### PART 3

#### CONSERVATION AND OTHER PERSONAL REAL BURDENS

##### *Economic development burdens*

#### **45 Economic development burdens**

- (1) On and after the day on which this section comes into force it shall, subject to subsection (2) below, be competent to create a real burden in favour of a local authority, or of the Scottish Ministers, for the purpose of promoting economic development; and any such burden shall be known as an “economic development burden”.
- (2) If under subsection (1) above the economic development burden is to be created other than by the local authority or the Scottish Ministers, the consent of that body or those Ministers to the creation of the burden in their favour must be obtained before the constitutive deed is registered.
- (3) An economic development burden may comprise an obligation to pay a sum of money (the sum or the method of determining it being specified in the constitutive deed) to the local authority or the Scottish Ministers as the case may be.
- (4) It shall not be competent—
  - (a) to grant a standard security over; or
  - (b) to assign the right to,  
an economic development burden.
- (5) Sections 40 and 41(a) and (b)(ii) of this Act apply in relation to an economic development burden as they apply in relation to a conservation burden.
- (6) In subsections (1) to (3) above, “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39).