POLICY NOTE

THE TITLE CONDITIONS (SCOTLAND) ACT 2003 (CONSERVATION BODIES) AMENDMENT ORDER 2013

SSI 2013/289

The powers to make this Order are conferred on the Scottish Ministers by section 38(4) of the Title Conditions (Scotland) Act 2003. It is subject to the negative parliamentary procedure.

Policy Objective

Section 38(4) of the Title Conditions (Scotland) Act 2003 grants Scottish Ministers the power to prescribe certain bodies to be conservation bodies. Bodies which are so prescribed may have conservation burdens created in their favour. Conservation burdens are conditions in the title deeds of property that ensure the preservation or protection of architectural, historical or other special characteristics of land for the benefit of the public. A conservation body is entitled to enforce conservation burdens created in its favour.

This Order makes an amendment to the Title Conditions (Scotland) Act 2003 (Conservation Bodies) Order 2003 by adding one body, Perth and Kinross Heritage Trust to the list of prescribed conservation bodies.

The power to make this Order may only be exercised where the object or function, or one of the principal objects or functions, of the body concerned preserve or protect, for the benefit of the public, the architectural, historical or other special characteristics of any land (in accordance with section 38(5)). The body dealt with by this Order complies with this requirement.

Perth and Kinross Heritage Trust (PKHT)'s application to seek designation as a conservation body is based on a condition set by Historic Scotland after they were granted funds to undertake work to preserve or protect the architectural or historical or other special characteristics of any land. A condition of the grant is that PKHT execute a consecutive deed creating a conservation burden over property which is subject to grant assistance. PKHT can only create a burden in their favour if they are designated as a conservation body.

Previous amending Orders designating conservation bodies were laid in 2003, 2004, 2006, 2007, 2008 and 2012.

Consultation

A consultation is not required as applicants either meet the terms of the legislation or they do not.

Equality Impact Assessment

An equality impact assessment has not been undertaken on the basis that this policy does not have any impact on equality issues.

Financial effects

This Order is not expected to have any significant financial effects on Scottish Government, local government or on business. As there is no impact on business or the third sector, no Business and Regulatory Impact Assessment is required.

Civil Law and Legal System Division
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