



# Title Conditions (Scotland) Act 2003

## 2003 asp 9

### PART 2

#### COMMUNITY BURDENS

##### *Management of community*

#### **28 Power of majority to appoint manager etc.**

- (1) Subject to sections 54(5)(a) and 63(8)(a) of this Act and to any provision made by community burdens, the owners of a majority of the units in a community may—
  - (a) appoint a person to be the manager of the community on such terms as they may specify;
  - (b) confer on any such manager the right to exercise such of their powers as they may specify;
  - (c) revoke, or vary, the right to exercise such of the powers conferred under paragraph (b) above as they may specify; and
  - (d) dismiss any such manager.
- (2) Without prejudice to the generality of subsection (1)(b) above, the powers mentioned there include—
  - (a) power to carry out maintenance;
  - (b) power to enforce community burdens; and
  - (c) power to vary or discharge such burdens.
- (3) If a unit is owned by two or more persons in common, then, for the purposes of voting on any proposal to exercise a power conferred by subsection (1) above, the vote allocated as respects the unit shall only be counted for or against the proposal if it is the agreed vote of those of them who together own more than a half share of the unit.
- (4) The powers conferred by paragraphs (b) to (d) of subsection (1) above may be exercised whether or not the manager was appointed by virtue of paragraph (a) of that subsection.