



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 4

TRANSITIONAL: IMPLIED RIGHTS OF ENFORCEMENT

New implied rights of enforcement

53 Common schemes: related properties

- (1) Where real burdens are imposed under a common scheme, the deed by which they are imposed on any unit comprised within a group of related properties being a deed registered before the appointed day, then all units comprised within that group and subject to the common scheme (whether or not by virtue of a deed registered before the appointed day) shall be benefited properties in relation to the real burdens.
- (2) Whether properties are related properties for the purposes of subsection (1) above is to be inferred from all the circumstances; and without prejudice to the generality of this subsection, circumstances giving rise to such an inference might include—
 - (a) the convenience of managing the properties together because they share—
 - (i) some common feature; or
 - (ii) an obligation for common maintenance of some facility;
 - (b) there being shared ownership of common property;
 - (c) their being subject to the common scheme by virtue of the same deed of conditions; or
 - (d) the properties each being a flat in the same tenement.
- (3) This section confers no right of pre-emption, redemption or reversion.
- (4) This section is subject to sections 57 and 122(2)(ii) of this Act.