



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 9

TITLE CONDITIONS: POWERS OF LANDS TRIBUNAL

97 Granting unopposed application for discharge or renewal of real burden

- (1) Subject to subsection (2) below, an unopposed application duly made for—
- the discharge or variation;
 - the renewal or variation; or
 - the preservation,
- of a real burden shall be granted as of right; and as respects an application under paragraph (a) above neither subsection (6)(a) nor subsection (8) of section 90 of this Act shall apply in relation to the order discharging or as the case may be varying the real burden.
- (2) Subsection (1) above does not apply as respects an application—
- for the discharge or variation of a facility burden;
 - for the discharge or variation of a service burden; or
 - under section 91(1) of this Act for the discharge or variation of a community burden imposed on any unit of a sheltered or retirement housing development.
- (3) An application is unopposed for the purposes of—
- subsection (1)(a) above if, as at the date on which the application falls to be determined, no representations opposing it have been made under section 96 of this Act either by an owner of any benefited property or by a holder of a personal real burden;
 - subsection (1)(b) above if, as at that date, no representations opposing the application have been made under that section by the terminator or as the case may be the person proposing to register the conveyance; or
 - subsection (1)(c) above if, as at that date, no representations opposing the application have been made under that section by the person proposing to register the deed of variation or discharge,
- or all such representations which have been so made have been withdrawn.

*Changes to legislation: There are currently no known outstanding effects for the
Title Conditions (Scotland) Act 2003, Section 97. (See end of Document for details)*

- (4) In granting an application under subsection (1)(b) or (c) above, the Lands Tribunal may, as they think fit, order either—
- (a) the person who intimated the proposal to execute and register the notice of termination or as the case may be the deed of variation or discharge or the conveyance; or
 - (b) any other person who succeeded that person as terminator or proposer, to pay to the applicant a specific sum in respect of the expenses incurred by the applicant or such proportion of those expenses as the Tribunal think fit.

Modifications etc. (not altering text)

- C1** Ss. 97(4), 99(3), 103 applied (1.11.2003 for certain purposes and 28.11.2004 otherwise) by [The Lands Tribunal for Scotland Rules 2003 \(S.S.I. 2003/452\)](#), rules 1(2), **28(1)**

Commencement Information

- I1** S. 97 wholly in force; s. 97 in force for certain purposes at 4.4.2003, see s. 129(2)(3); s. 97 otherwise in force at 28.11.2004 by [S.S.I. 2003/456](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 97.