
STATUTORY INSTRUMENTS

2009 No. 729

**The Title Conditions (Scotland) Act 2003
(Development Management Scheme) Order 2009**

PART 2

The Development Management Scheme

The Development Management Scheme

3. The Development Management Scheme is the scheme of rules for the management of land set out in Schedule 1 to this Order or, in relation to a particular development, that scheme as applied to the development with such variations as may be specified by the deed of application and any other variations as may subsequently be made to that scheme.

Owners' association

4.—(1) The owners' association for the development is established on the date on which the Development Management Scheme applied to that development takes effect under section 71(1) of the Act in respect of that development (or part of that development).

(2) The association is, on being established, a body corporate.

Application of provisions of the Act to rules of Scheme

5.—(1) Sections 2, 3, 5, 10, 11, 13, 14, 16, 18, 59 to 61, 67, 70 and 105 of the Act shall apply, as modified by section 72 of the Act, in relation to the rules of the Development Management Scheme (other than the rules set out in Part 2 of Schedule 1 to this Order) as those sections apply in relation to community burdens.

(2) Sections 68, 69, 98, 100 and 104 of the Act shall not apply in relation to the rules of the Development Management Scheme.

(3) In this article and subject to paragraph (4), “community burdens” has the same meaning as in the Act.

(4) For the purposes of the application of the sections of the Act mentioned in paragraph (1) “unit” has the meaning given in article 2 of this Order.