



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 2

COMMUNITY BURDENS

Variation, discharge etc.

35 Variation and discharge of community burdens by owners of adjacent units

- (1) A community burden may be varied or discharged by registering against each affected unit a deed of variation, or discharge, granted, in a case where no such provision as is mentioned in section 33(1)(a) of this Act is made, by or on behalf of the owners of the affected units and by or on behalf of the owners of all units (if any) which in relation to any of the affected units are adjacent units, except that this subsection—
 - (a) shall not apply where the burden is a facility burden or a service burden or where the units constitute a sheltered or retirement housing development;
 - (b) may expressly be disapplied by the constitutive deed; and
 - (c) is subject to sections 36 and 37 of this Act and to any determination of the Lands Tribunal.
- (2) Subsection (4) of section 33 of this Act applies for the purposes of this section as it applies for the purposes of that section.