



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 2

COMMUNITY BURDENS

Variation, discharge etc.

36 Variation and discharge under section 35: intimation

- (1) A proposal to register under section 35 of this Act a deed of variation or discharge shall be intimated to such owners of the units in the community as have not granted the deed.
- (2) Such intimation may be given—
 - (a) by sending a copy of the deed together with—
 - (i) a notice in, or as near as may be in, the form set out in schedule 5 to this Act; and
 - (ii) the explanatory note which immediately follows that form in that schedule;
 - (b) by affixing to each affected unit and to—
 - (i) in a case where there exists one, and only one, lamp post which is situated within one hundred metres of that unit, that lamp post; or
 - (ii) in a case where there exists more than one lamp post so situated, each of at least two such lamp posts,a conspicuous notice in the form set out in schedule 6 to this Act; or
 - (c) in a case where it is not possible to comply with paragraph (b) above, by advertisement in a newspaper circulating in the area of the affected unit.
- (3) An advertisement giving intimation under subsection (2)(c) above shall—
 - (a) identify the land which is the affected unit;
 - (b) set out the terms of the community burden either in full or by reference to the constitutive deed;
 - (c) specify the name and address of the person who proposes to register the deed and state that from that person (or from some other person whose name

Status: This is the original version (as it was originally enacted).

and address are specified in the advertisement) a copy of that deed may be obtained;

- (d) state that any owner of a unit who has not granted the deed may apply to the Lands Tribunal for Scotland for the community burden to be preserved but that if no such application is received by a specified date (being the date on which the period mentioned in section 37(1) of this Act expires) the consequence may be that the community burden is varied or discharged in relation to the affected unit.
- (4) The person proposing to register the deed shall provide any other person with a copy of that deed if so requested by that other person.
- (5) Subsections (6) and (7) of section 21 of this Act apply in relation to affixing, and to a notice affixed, under subsection (2)(b) above as they apply in relation to affixing, and to a notice affixed, under subsection (2)(b) of that section (the reference in paragraph (a)(ii) of the said subsection (6) to the date specified in the notice as the renewal date being construed as a reference to the date so specified by virtue of subsection (2)(b) above).