



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 5

REAL BURDENS: MISCELLANEOUS

63 Manager burdens

- (1) A real burden (whenever created) may make provision conferring on such person as may be specified in the burden power to—
 - (a) act as the manager of related properties;
 - (b) appoint some other person to be such manager; and
 - (c) dismiss any person appointed by virtue of paragraph (b) above,a real burden making any such provision being referred to in this Act as a “manager burden”.
- (2) A power conferred by a manager burden is exercisable only if the person on whom the power is conferred is the owner of one of the related properties.
- (3) The right to a manager burden may be assigned or otherwise transferred; and any such assignation or transfer shall take effect on the sending of written intimation to the owners of the related properties.
- (4) A manager burden shall be extinguished on the earliest of the following dates—
 - (a) the date on which such period as may be specified in the burden expires;
 - (b) the relevant date;
 - (c) the ninetieth day of any continuous period throughout which, by virtue of subsection (2) above, the burden is not exercisable; and
 - (d) if a manager is dismissed under section 64 of this Act (in [^{F1}either of the cases mentioned in subsection (6) or (6A)] below), the date of dismissal.
- (5) In this section, the “relevant date”—
 - (a) in [^{F2}either of the cases] so mentioned means the date thirty years after the day specified in subsection (7) below;
 - (b) in a case where the manager burden is imposed under a common scheme on any unit of a sheltered or retirement housing development, means the date three years after the day so specified; and

Changes to legislation: There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 63. (See end of Document for details)

- (c) in any other case, means the date five years after the day so specified.
- (6) The case is where the manager burden is imposed on the sale, by virtue of section 61 of the Housing (Scotland) Act 1987 (c. 26) (secure tenant's right to purchase), of a property by—
- (a) a person such as is mentioned in any of the sub-paragraphs of subsection (2)(a) of that section; or
 - (b) a predecessor of any such person, to a tenant of such a person.
- [^{F3}(6A) The case is where—
- (a) a leasehold condition is imposed on the disposal, by virtue of section 61 of the Housing (Scotland) Act 1987 as modified by section 84A of that Act (application of right to buy in cases where landlord is lessee), of a landlord's interest in a property by—
 - (i) a person such as is mentioned in any of the sub-paragraphs of subsection (2)(a) of section 61; or
 - (ii) a predecessor of such a person, to a tenant of such a person; and
 - (b) that condition is converted into a manager burden under section 30 of the Long Leases (Scotland) Act 2012 (asp 9) (conversion of qualifying conditions into manager burdens).]
- (7) The day is that on which the constitutive deed setting out the terms of the burden is registered (and if there is more than one day on which such a constitutive deed is registered in respect of the related properties, then the first such day).
- (8) Where a power conferred by a manager burden is exercisable, any person who is, by virtue of that burden, a manager may not be dismissed—
- (a) under section 28(1)(d) of this Act; or
 - (b) in a case other than [^{F4}those] mentioned in [^{F5}subsections (6) or (6A)] above, under section 64 of this Act.
- (9) Section 17(1) of the 2000 Act (extinction on appointed day of certain rights of superior) shall not apply to manager burdens.

Textual Amendments

- F1** Words in s. 63(4)(d) substituted (28.11.2013) by Long Leases (Scotland) Act 2012 (asp 9), s. 83(2)(3), **sch. para. 3(4)(a)**; S.S.I. 2013/322, art. 2(I)
- F2** Words in s. 63(5)(a) substituted (28.11.2013) by Long Leases (Scotland) Act 2012 (asp 9), s. 83(2)(3), **sch. para. 3(4)(b)**; S.S.I. 2013/322, art. 2(I)
- F3** S. 63(6A) inserted (28.11.2013) by Long Leases (Scotland) Act 2012 (asp 9), s. 83(2)(3), **sch. para. 3(4)(c)**; S.S.I. 2013/322, art. 2(I)
- F4** Word in s. 63(8)(b) substituted (28.11.2013) by Long Leases (Scotland) Act 2012 (asp 9), s. 83(2)(3), **sch. para. 3(4)(d)(i)**; S.S.I. 2013/322, art. 2(I)
- F5** Words in s. 63(8)(b) substituted (28.11.2013) by Long Leases (Scotland) Act 2012 (asp 9), s. 83(2)(3), **sch. para. 3(4)(d)(ii)**; S.S.I. 2013/322, art. 2(I)

Changes to legislation:

There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 63.