



Title Conditions (Scotland) Act 2003

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PART 6

DEVELOPMENT MANAGEMENT SCHEME

71 Development management scheme

- (1) The development management scheme may be applied to any land by registering against the land (in this Part of this Act referred to as “the development”) a deed of application granted by, or on behalf of, the owner of the land or, if and in so far as the terms of the order mentioned in subsection (3) below so admit, may be thus applied with such variations as may be specified in the deed; and the scheme shall take effect in relation to the development on the date of registration or, notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)—
 - (a) on such later date as may be so specified (the specification being of a fixed date and not, for example, of a date determinable by reference to the occurrence of an event); or
 - (b) on the date of registration of such other deed as may be so specified, and different provision for the taking effect of the scheme may be made for different parts of the development.
- (2) The deed of application shall include specification or description of the matters which the scheme requires shall be specified or described and shall in any event include—
 - (a) the meaning, in the scheme, of such expressions as “the development”, “scheme property” and “unit”;
 - (b) the name by which any owners' association established by the scheme is to be known, being a name which either ends with the words “Owners Association” or begins with those words preceded by the definite article;
 - (c) the name and address of the first manager of any association so established.
- (3) In this Act, “the development management scheme” means such scheme of rules for the management of land as is set out in an order made, in consequence of this section, under section 104 of the Scotland Act 1998 (c. 46) (power to make provision consequential on legislation of, or scrutinised by, the Scottish Parliament) or, in relation to a particular development, that scheme as applied to the development.