Title Conditions (Scotland) Act 2003

2003 asp 9

PART 6

DEVELOPMENT MANAGEMENT SCHEME

73 Disapplication

(1) The development management scheme may be disapplied to the development, or to any part of the development, by an owners' association established by the scheme registering against the development or as the case may be the part, a deed of disapplication granted by that association in accordance with the scheme; and subject to subsection (3) below the disapplication shall take effect—

(a) on the date of registration; or

(b) [F1]... on such later date as may be specified in the deed (the specification being of a fixed date and not, for example, of a date determinable by reference to the occurrence of an event).

(2) The deed of disapplication may by means of real burdens provide for the future management and regulation—

(a) in the case of disapplication to the development, of the development or of any part of the development; or

(b) in the case of disapplication to a part of the development, of that part or of any part of that part,

and section 4 of this Act shall apply accordingly except that paragraph (b) of subsection (2) of that section shall, for the purposes of this subsection, apply with the substitution, for the reference to the owner of the land which is to be the burdened property, of a reference to the owners' association.

(3) The deed of disapplication shall not, on registration, disapply the development management scheme or impose a real burden unless, after the expiry of the period mentioned in subsection (3) of section 74 of this Act, there is endorsed on the deed (or on an annexation to it referred to in an endorsement on it and identified, on the face of the annexation, as being the annexation so referred to) a certificate executed by a member of the Lands Tribunal, or by their clerk, to the effect that no application for preservation of the scheme has been received under that subsection or that any such application which has been received has been withdrawn; and where more than one

such application has been received the certificate shall relate to both (or as the case may be all) applications.

(4) An owners' association proposing to submit a deed of disapplication granted as mentioned in subsection (1) above for registration shall, before doing so, swear or affirm before a notary public (the deed being endorsed accordingly)—

(a) that section 74 of this Act has been complied with; and

(b) as to the date on which the period mentioned in subsection (3) of that section expires.

(5) Subsection (2)(b) of section 22 of this Act applies in relation to the owners' association and for the purposes of subsection (4) above as it applies in relation to a terminator and for the purposes of subsection (1) of that section.

Textual Amendments

F1 Words in s. 73(1)(b) repealed (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 43(7)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

Changes to legislation:
There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 73.