



# Title Conditions (Scotland) Act 2003

## 2003 asp 9

### PART 9

#### TITLE CONDITIONS: POWERS OF LANDS TRIBUNAL

#### 93 Notification of application

- (1) The Lands Tribunal shall, on receipt of an application under—
- (a) section 90(1)(a) or 91(1) of this Act, give notice of that application to any person who, not being the applicant, appears to them to fall within any of the following descriptions—
    - (i) an owner of the burdened property;
    - (ii) an owner of any benefited property;
    - (iii) a holder of the title condition;
  - (b) section 90(1)(b) of this Act, give such notice to any person who appears to them to fall within any of the following descriptions—
    - (i) in the case mentioned in sub-paragraph (i) of that provision, the terminator;
    - (ii) an owner of the burdened property; or
    - (iii) in the case mentioned in sub-paragraph (ii) of that provision, the person proposing to register the conveyance;
  - (c) section 90(1)(c) of this Act, give such notice to the person proposing to register the deed of variation or discharge;
  - (d) section 90(1)(d) of this Act, give such notice to the owners' association; or
  - (e) section 90(1)(e) of this Act, give notice to the person proposing to register the conveyance,
- and subject to subsection (2) below shall do so by sending the notice.
- (2) Notice under subsection (1) above may be given by advertisement, or by such other method as the Lands Tribunal think fit, if—
- (a) given to a person who cannot, by reasonable inquiry, be identified or found;
  - (b) the person to whom it is given, being a person given notice by virtue of paragraph (a)(ii) of that subsection, does not appear to them to have any interest to enforce the title condition; or

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*Status: This is the original version (as it was originally enacted).*

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- (c) so many people require to be given notice that, in the opinion of the Lands Tribunal, it is not reasonably practicable to send it.
- (3) The Lands Tribunal may also give notice of the application, by such means as they think fit, to any other person.