

---

STATUTORY INSTRUMENTS

---

**2009 No. 729**

**The Title Conditions (Scotland) Act 2003  
(Development Management Scheme) Order 2009**

**PART 3**

**Variation of the Development Management Scheme**

**Variation of Scheme with agreement of owners of affected and adjacent units**

7.—(1) A rule of the Development Management Scheme (other than any rule in Part 2 of Schedule 1 to this Order) may be varied, or discharged, in relation to a unit by registering against that unit (“the affected unit”) a deed of variation granted—

- (a) by the association, in accordance with the Development Management Scheme;
- (b) by the owner of the affected unit; and
- (c) by the owner of at least one adjacent unit (if any) in relation to the affected unit.

(2) For the purposes of paragraph (1), “adjacent unit” means, in relation to an affected unit, any unit which is at some point within four metres of the affected unit.

(3) The reference in paragraph (2) to an adjacent unit being within four metres of the affected unit is a reference to distance along a horizontal plane, disregarding—

- (a) the width of any intervening road if of less than twenty metres; and
- (b) any pertinent of either unit.