



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 2

COMMUNITY BURDENS

Meaning, creation etc.

25 The expression “community burdens”

- (1) Subject to subsection (2) below, where—
- (a) real burdens are imposed under a common scheme on four or more units; and
 - (b) each of those units is, in relation to some or all of those burdens, both a benefited property and a burdened property,
- the burdens shall, in relation to the units, be known as “community burdens”.
- (2) Any real burdens such as are mentioned in section 54(1) of this Act are community burdens.

26 Creation of community burdens: supplementary provision

- (1) Without prejudice to section 2 of this Act, community burdens may make provision as respects any of the following—
- (a) the appointment by the owners of a manager;
 - (b) the dismissal by the owners of a manager;
 - (c) the powers and duties of a manager;
 - (d) the nomination of a person to be the first manager;
 - (e) the procedures to be followed by the owners in making decisions about matters affecting the community;
 - (f) the matters on which such decisions may be made; and
 - (g) the resolution of disputes relating to community burdens.
- (2) In this Act “community” means—
- (a) the units subject to community burdens; and
 - (b) any unit in a sheltered or retirement housing development which is used in some special way as mentioned in section 54(1) of this Act.

Status: This is the original version (as it was originally enacted).

27 Effect on units of statement that burdens are community burdens

Where, in relation to any real burdens, the constitutive deed states that the burdens are to be community burdens, each unit shall, in relation to those burdens, be both a benefited property and a burdened property.