



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 9

TITLE CONDITIONS: POWERS OF LANDS TRIBUNAL

104 Taking effect of orders of Lands Tribunal etc.

- (1) The Scottish Ministers may, after consultation with the Scottish Committee of the [^{F1}Administrative Justice and Tribunals Council], make rules as to when an order of the Lands Tribunal on an application under section 90(1) or 91(1) of this Act shall take effect.
- (2) An order under subsection (1)(a)(i), (b) or (c) of section 90, under subsection (1) of that section on the refusal (wholly or partly as the case may be) of an application under paragraph (b) or (c) of that subsection or under section 91(1) of this Act which has taken effect in accordance with rules made under subsection (1) above may be registered against the burdened property by any person who was a party to the application or who was, under section 95 of this Act, entitled to make representations as respects the application; and on the order being so registered the title condition to which it relates is discharged (wholly or partly), renewed (wholly or partly), imposed, preserved or varied according to the terms of the order.
- (3) An order—
 - (a) which disapplies a development management scheme [^{F2} whether or not it imposes new burdens], being an order under subsection (1) of section 90 of this Act, or preserves it under paragraph (d) or (e) of that subsection; and
 - (b) which has taken effect in accordance with rules so made,may be registered against the units of the development by the owners' association or as the case may be by an owner of a unit of the development or the person proposing to register the conveyance; and on the order being so registered the scheme is disapplied or preserved [^{F3} and the burdens imposed] as the case may be.
- (4) Any enforceability which the obligation in question has as a contractual obligation shall be unaffected by such an order.

Status: Point in time view as at 01/11/2007. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 104. (See end of Document for details)

Textual Amendments

- F1** Words in s. 104(1) substituted (1.11.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 48(1), 148(5), **Sch. 8 para. 57**; S.I. 2007/2709, **art. 3(b)(i)**
- F2** Words in s. 104(3) inserted (22.10.2003) by The Title Conditions (Scotland) Act 2003 (Consequential Provisions) Order 2003 (S.S.I. 2003/503), art. 2, **Sch. 1 para. 11(a)**
- F3** Words in s. 104(3) inserted (22.10.2003) by The Title Conditions (Scotland) Act 2003 (Consequential Provisions) Order 2003 (S.S.I. 2003/503), art. 2, **Sch. 1 para. 11(b)**

Modifications etc. (not altering text)

- C1** Ss. 68, 69, 98, 100 and 104 excluded (1.6.2009) by The Title Conditions (Scotland) Act 2003 (Development Management Scheme) Order 2009 (S.I. 2009/729), **art. 5(2)**

Commencement Information

- I1** S. 104 wholly in force; s. 104 in force for certain purposes at 4.4.2003, see s. 129(2)(3); s. 104 otherwise in force at 28.11.2004 by S.S.I. 2003/456, **art. 2**

Status:

Point in time view as at 01/11/2007. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 104.