
STATUTORY INSTRUMENTS

2009 No. 729

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

PART 1

Introductory

Citation, commencement and extent

1.—(1) This Order may be cited as the Title Conditions (Scotland) Act 2003 (Development Management Scheme) Order 2009 and comes into force on 1st June 2009.

(2) This Order extends only to Scotland.

Interpretation

2. In this Order—

“the Act” means the Title Conditions (Scotland) Act 2003(1);

“association” means the owners' association of the development established under article 4;

“benefited unit” means a unit advantaged by a rule;

“burdened unit” means a unit constrained by a rule;

“deed of application” means a deed granted pursuant to section 71 of the Act;

“deed of variation” means a deed of variation or discharge granted pursuant to article 7 or 8;

“the development” means the land to which the Development Management Scheme is applied as described in the deed of application;

“the Development Management Scheme” has the meaning given in article 3;

“Lands Tribunal” means the Lands Tribunal for Scotland;

“manager” means the person appointed to be manager of the association;

“member” means a member of the association in accordance with rule 2.3 of the Development Management Scheme;

“owner” has the meaning given in article 18;

“registering” in relation to any document, means registering an interest in land or information relating to an interest in land (being an interest or information for which that document provides) in the Land Register of Scotland or, as the case may be, recording in the Register of Sasines (cognate expressions being construed accordingly);

“road” has the meaning given by section 151(1) of the Roads (Scotland) Act 1984(2);

“rule” means a rule of the Development Management Scheme;

(1) 2003 asp 9.

(2) 1984 c. 54.

“scheme property” has the meaning given in article 20;

“send” shall be construed in accordance with article 19 (cognate expressions being construed accordingly);

“service charge” has the meaning given in the Development Management Scheme;

“tenement” and “tenement building” have the meanings given in section 26 of the Tenements (Scotland) Act 2004(3);

“unit” means an individual property forming the development as described in the deed of application for that development; and

“variation” includes the imposition of a new obligation (cognate expressions being construed accordingly).