

TITLE CONDITIONS (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9: Powers of the Lands Tribunal

Section 91: Special provision as to variation or discharge of community burdens

381. *Section 91* of the Act allows owners of 25% of the units in a community to apply to the Lands Tribunal to vary or discharge a community burden or the community burdens as they affect all or part of a community. Not all owners of each unit need apply and *subsection (2)* makes clear that owners may apply in respect of units that they do not own. The meaning of ‘community burdens’ is given in section 25, and of ‘unit’ in section 122(1). ‘Vary’ includes the imposition of new burdens and, in terms of section 122(1) also includes changes to existing burdens to impose new obligations .
382. *Subsection (3)* enables the Tribunal to award compensation, on the same basis as under section 90.