



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 2 **S**

COMMUNITY BURDENS

Meaning, creation etc.

25 The expression “community burdens” **S**

- (1) Subject to subsection (2) below, where—
- (a) real burdens are imposed under a common scheme on [^{F1}two] 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.

Textual Amendments

- F1** Word in s. 25(1)(a) substituted (23.10.2004) by [Tenements \(Scotland\) Act 2004 \(asp 11\)](#), ss. 25, 34(3), [Sch. 4 para. 7](#) (with s. 33)

26 Creation of community burdens: supplementary provision **S**

- (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;

Changes to legislation: There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Cross Heading: Meaning, creation etc.. (See end of Document for details)

- (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.

27 **Effect on units of statement that burdens are community burdens** **S**

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.

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