



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 2

COMMUNITY BURDENS

Variation, discharge etc.

33 Majority etc. variation and discharge of community burdens

- (1) A community burden may be varied (“varied” including imposed), or discharged, by registering against each affected unit a deed of variation, or discharge, granted—
 - (a) where provision is made in the constitutive deed for it to be granted by the owners of such units in the community as may be specified, by or on behalf of the owners of those units; or
 - (b) ^{F1} . . . in accordance with subsection (2) below.
- (2) A deed is granted in accordance with this subsection if granted—
 - (a) [^{F2}where no such provision as is mentioned in subsection (1)(a) above is made,] by or on behalf of the owners of a majority of the units in the community (except that, where one person owns a majority of those units, the deed must also be granted by at least one other owner); or
 - (b) where the manager of the community is authorised to do so (whether in the constitutive deed or otherwise), by that manager.
- (3) An affected unit may, for the purposes of subsection (1)(a) or (2)(a) above, be included in any calculation of the number of units.
- (4) For the purposes of this section, where a unit is owned by two or more persons in common a deed is granted by or on behalf of the owners of the unit if—
 - (a) granted in accordance with such provision as is made in that regard in the constitutive deed; or
 - (b) where no such provision is made, granted by or on behalf of those of them who together own more than a half share of the unit.
- (5) This section is subject to section 54(5)(b) and (c) of this Act.

Changes to legislation: There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 33. (See end of Document for details)

Textual Amendments

- F1** Words in s. 33(1)(b) omitted (23.10.2004) by virtue of Tenements (Scotland) Act 2004 (asp 11), ss. 25, 34(3), **Sch. 4 para. 10(a)** (with s. 33)
- F2** Words in s. 33(2)(a) inserted (23.10.2004) by Tenements (Scotland) Act 2004 (asp 11), ss. 25, 34(3), **Sch. 4 para. 10(b)** (with s. 33)

Changes to legislation:

There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 33.