



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 4

TRANSITIONAL: IMPLIED RIGHTS OF ENFORCEMENT

New implied rights of enforcement

- 55 Grant of deed of variation or discharge of community burdens relating to sheltered or retirement housing: community consultation notice**
- (1) Where in relation to a sheltered or retirement housing development it is proposed to grant, under section 33(1)(a) or (2) of this Act, a deed of variation or discharge, the proposal shall be intimated to all the owners of the units of the community.
 - (2) Such intimation shall be given by sending a notice (a “community consultation notice”) in, or as near as may be in, the form set out in schedule 8 to this Act together with the explanatory note which immediately follows that form in that schedule.
 - (3) The deed of variation or discharge shall not be granted before the date specified in the community consultation notice as that by which any comments are to be made, being a date no earlier than that on which expires the period of three weeks beginning with the latest date on which such intimation is given.
 - (4) Subsection (4) of section 37 of this Act shall apply in relation to a deed of variation or discharge granted as mentioned in subsection (1) above and to the person giving intimation as it applies in relation to such a deed granted as mentioned in section 35(1) of this Act and to the person proposing to submit the deed but with the modifications that the reference—
 - (a) in paragraph (a) of the said subsection (4), to section 36 of this Act is to be construed as a reference to this section; and
 - (b) in paragraph (b) of that subsection, to subsection (1) of section 37 of this Act is to be construed as a reference to subsection (3) above.
 - (5) For the purposes of subsection (4) of section 37 as so applied, if the person giving intimation is—

Status: This is the original version (as it was originally enacted).

- (a) an individual unable by reason of legal disability, or incapacity, to swear or affirm as mentioned in the said subsection (4), then a legal representative of that person may swear or affirm;
- (b) not an individual, then any person authorised to sign documents on its behalf may swear or affirm,

and any reference in the said subsection (4) (as so applied) to the person giving intimation shall be construed accordingly.