



Title Conditions (Scotland) Act 2003

2003 asp 9

PART 5

REAL BURDENS: MISCELLANEOUS

66 The expression “related properties”

- (1) Whether properties are related properties for the purposes of sections 63 to 65 of this Act is, subject to subsection (2) below, to be inferred from all the circumstances; and without prejudice to the generality of this section circumstances giving rise to such an inference might include—
- (a) the convenience of managing the properties together because they share—
 - (i) some common feature; or
 - (ii) an obligation for common maintenance of some facility;
 - (b) it being evident that the properties constitute a group of properties on which real burdens are imposed under a common scheme; or
 - (c) there being shared ownership of common property.
- (2) For the purposes of section 63(2) of this Act, the following are not related properties—
- (a) any property which, being a unit in a sheltered or retirement housing development, is used in some special way (that is to say, is the unit mentioned as an exception in section 54(1) of this Act);
 - (b) any property to which a development management scheme applies; or
 - (c) any facility which benefits two or more properties (examples of such a facility being, without prejudice to the generality of this paragraph, a private road and a common area for recreation).