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SCHEDULE 2

Rules 3, 8, 10 and 11

FORM 1 Application for Determination of Question of Disputed Compensation

I/We AB (*name and address of the applicant*) hereby apply for the determination by the Lands Tribunal for Scotland of the question of which particulars are set out below.

Particulars

1. (*Here distinguish the subjects to which the application relates sufficiently precisely to enable them to be identified. Where appropriate give Ordnance Survey Grid Reference for the subjects.*)
2. (*Give names and addresses of the parties to the dispute.*)
3. (*Give a concise statement of the nature of the dispute, and of the grounds on which compensation is claimed.*)
4. Where compensation is claimed for compulsory purchase, state whether the acquiring authority has entered upon the land or possession has been given and if so, on what date.

Signed

Date
(*To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB*)

NOTES FOR THE INFORMATION OF APPLICANTS

1. Where the application relates to the compensation payable on a compulsory acquisition of land a copy of the notice to treat (if such notice has been served) and of any notice of claim or amended notice of claim delivered to the acquiring authority *must* be sent with this notice.
2. In any other case a copy of the order, direction, notice, decision, authorisation or other document which is evidence of the proceedings giving rise to compensation *must* be sent to the Tribunal with this notice. Where a reference is made in pursuance of an agreement to refer any matter to arbitration a copy of the agreement should be sent with this notice.
3. At any hearing relating to this application you will be required to adhere to the case set out above unless the Tribunal considers that the introduction of new material would not prejudice the interests of other parties.

FORM 2 TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 Notice of Reference of Objection to a Blight Notice contained in a Counter Notice served under section 102 of the Act of 1997

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Description of property to which this reference relates—
.....
.....

I/We of (here state usual address)
.....
.....

being entitled as (here state nature of interest)
to in the property described above hereby apply for
the determination by the Lands Tribunal of the question of which particulars are set out below.

All communications regarding this reference should be addressed to me/us at the address shown
above [or to my/our solicitor/agent]
of]

Particulars

The question which in terms of section 104 of the above-mentioned Act the Lands Tribunal is
requested to determine is whether the objection by (state name(s) and address(es) of objecting
authority and authority served) by day
of 20.....
contained in a counter-notice under section 102 of the above-mentioned Act in respect of my/our
interest in the above-mentioned property is well founded or not.

Dated Signed

NOTE:—

A copy of the Blight Notice served on the authority and a copy of the Counter Notice
containing the objection served by the authority must accompany this notice of reference.

FORM 3 VALUATION SECTION 1(3A) OF THE LANDS TRIBUNAL ACT 1949

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The valuation appeal committee sitting at *(place)* on *(date)* in accordance with the provisions of section 1(3A) of the Lands Tribunal Act 1949 and regulation 4 of the Valuation Appeal Committee (Procedure in Appeals under the Valuation Acts) (Scotland) Regulations 1995 refers for determination by the Lands Tribunal for Scotland the appeal or complaint of which particulars are set out below.

Particulars

1. Description of property to which this reference relates. *(Here describe the lands and heritages to which the appeal or complaint relates with sufficient precision to enable them to be identified, including a reference to the relevant entry in the valuation roll.)*
2. (a) *(Give name and address of the appellant/complainant.)*
(b) *(Give name and address of the assessor.)*
3. A copy of the appeal or complaint made in accordance with regulation 3 of the 1995 Regulations and copies of the application and written representations made in accordance with regulation 4 of the 1995 Regulations are attached.

Signed
Secretary to the Committee

Date

FORM TC 90(1)(a) Application under section 90(1)(a) of the Title Conditions (Scotland) Act 2003 to discharge or vary a title condition and/or for the determination of a question as to the validity, applicability or enforceability of a title condition if it is a real burden or rule of a development management scheme.

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1. Name and address of applicant.

2. Applicant's connection with land subject to the title condition.

The applicant is the owner of the land subject to the title condition

or

The title condition is enforceable against the applicant because (*specify*)

3. Particulars of title condition.

(a) Nature of title condition.

(b) Property burdened by title condition (*describe the burdened property sufficiently precisely to enable it to be identified*).

(c) Manner and date of creation of title condition (*describe the deed in which the title condition was created by reference to the names of the parties and date of registration or recording, or, if it was not created in a deed, provide reasons for thinking that a title condition exists*).

(d) Owner(s) of the burdened property (*state names and addresses*).

(e) Persons entitled to the benefit of the title condition (*here state names and addresses of benefited proprietors and/or holders of the title condition*).

If your application is for discharge or variation, complete part A.

If your application is for the determination of a question as to the validity, applicability or enforceability of a title condition which is a real burden or rule of a development management scheme, complete part B.

Note that it is not normally necessary to complete both parts of this form.

Part A

4. Nature of application (*here state whether the application is for complete discharge or variation of the title condition, and if the latter, specify what change is required*).

5. Details of application (*here give a statement of the circumstances in which discharge or variation is required*).

6. Statutory basis of application (*here specify which of the grounds in section 98 applies and give brief details of circumstances bearing on each of the factors referred to in section 100 of the Title Conditions (Scotland) Act 2003. Note that in relation to section 100(j) you should set out full detail of any other circumstances you wish the Tribunal to consider in support of your application*).

Part B

7. Nature of application (*here state whether the application is for a determination of the validity, applicability or enforceability*).

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8. Basis of application (Here give a statement of the reasons for believing that the real burden or rule of a development management scheme is valid or invalid, applicable or inapplicable, enforceable or unenforceable).

I/We hereby apply for the discharge /variation of the title condition described above.
and/or

I/We hereby apply for the determination of a question as to the validity, applicability or enforceability of the title condition described above which is a real burden or rule of a development management scheme.

Signed

Date

(To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB)

NOTES FOR THE INFORMATION OF APPLICANTS

1. You should enclose with this application a copy of any conveyance, deed, instrument or writing under which the title condition was created, a large scale plan of the location identifying adjacent properties and any grant of planning permission which has been obtained for any proposed development, with any plans relating to it.

2. Section 98 of the Title Conditions (Scotland) Act reads as follows:

An application for the variation, discharge, renewal or preservation, of a title condition shall, unless it falls to be granted as of right under section 97(1) of this Act, be granted by the Lands Tribunal only if they are satisfied, having regard to the factors set out in section 100 of this Act, that—

- (a) except in the case of an application under subsection (3) of section 34 or, in respect of a deed of variation or discharge granted by the owner of an adjacent unit, subsection (1) of section 37 of this Act, it is reasonable to grant the application; or
- (b) in such a case, the variation or discharge in question—
 - (i) is not in the best interests of the owners of all the units in the community; or
 - (ii) is unfairly prejudicial to one or more of those owners

3. Section 100 of the Title Conditions (Scotland) Act reads as follows:—

The factors mentioned in section 98 of this Act, are

- (a) any change in circumstances since the title condition was created (including, without prejudice to that generality, any change in the character of the benefited property, of the burdened property or of the neighbourhood of the properties);
- (b) the extent to which the condition—
 - (i) confers benefit on the benefited property; or
 - (ii) where there is no benefited property, confers benefit on the public;
- (c) the extent to which the condition impedes enjoyment of the burdened property;

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- (d) if the condition is an obligation to do something, how
 - (i) practicable; or
 - (i) costly,it is to comply with the condition;
- (e) the length of time which has elapsed since the condition was created;
- (f) the purpose of the title condition;
- (g) whether in relation to the burdened property there is the consent, or deemed consent, of a planning authority, or the consent of some other regulatory authority, for a use which the condition prevents;
- (h) whether the owner of the burdened property is willing to pay compensation;
- (i) if the application is under section 90(1)(b)(ii) of this Act, the purpose for which the land is being acquired by the person proposing to register the conveyance; and
- (j) any other factor which the Lands Tribunal consider to be material.

4. Your application will be intimated to persons who may have an interest to oppose it. It is accordingly in your interest to ensure that you set out your description of any circumstances relied on as fully and accurately as you can. The Tribunal may allow new material to be introduced at a later stage but if this gives rise to expense which could have been avoided by a more careful application, the Tribunal will take that into consideration. You will not be allowed to introduce new material in the later stages of the case if the Tribunal thinks this would prejudice any objectors.

FORM TC 90(1)(b) Application under section 90(1)(b) of the Title Conditions (Scotland) Act 2003 to renew or vary a title condition

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1. Name and address of applicant.

2. Applicant's connection with land subject to the title condition.

The applicant is the owner of a benefited property (*describe the benefited property sufficiently precisely to enable it to be identified*)

or

The applicant is the holder of a personal real burden (*specify*).

3. Particulars of title condition.

(a) Nature of title condition.

(b) Property burdened by title condition (*describe the burdened property sufficiently precisely to enable it to be identified*).

(c) Manner and date of creation of title condition (*describe the deed in which the title condition was created by reference to the names of the parties and date of registration or recording, or, if it was not created in a deed, provide reasons for thinking that a title condition exists*).

(d) Owner(s) of the burdened property (*state names and addresses*).

4. Circumstances giving rise to application (*here give details of the notice received of a proposal to execute and register a notice of termination or to register a conveyance, including the name and address of the person proposing to register the notice of termination or conveyance. Alternatively a copy of the notice may be enclosed.*)

5. Renewal date specified in that notice (*give the date by which an application for renewal or variation must be made to the Lands Tribunal*).

6. Nature of application (*here state whether the application is for renewal or variation of the title condition, and if the latter, specify what change is required*).

7. Statutory basis of application (*here specify which of the grounds in section 98 applies and give brief details of circumstances bearing on each of the factors referred to in section 100 of the Title Conditions (Scotland) Act 2003. Note that in relation to section 100(j) you should set out full detail of any other circumstances you wish the Tribunal to consider in support of your application.*).

I/We hereby apply for the renewal/variation of the title condition described above.

Signed

Date

(*To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB*)

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NOTES FOR THE INFORMATION OF APPLICANTS

1. You should enclose with this application a copy of any conveyance, deed, instrument or writing under which the title condition was created and a large scale plan of the location identifying adjacent properties.

2. Section 98 of the Title Conditions (Scotland) Act reads as follows:-

An application for the variation, discharge, renewal or preservation, of a title condition shall, unless it falls to be granted as of right under section 97(1) of this Act, be granted by the Lands Tribunal, only if they are satisfied, having regard to the factors set out in section 100 of this Act, that-

- (a) except in the case of an application under subsection (3) of section 34 or, in respect of a deed of variation or discharge granted by the owner of an adjacent unit, subsection (1) of section 37 of this Act, it is reasonable to grant the application; or
- (b) in such a case, the variation or discharge in question-
 - (i) is not in the best interests of the owners of all the units in the community; or
 - (ii) is unfairly prejudicial to one or more of those owners.

3. Section 100 of the Title Conditions (Scotland) Act reads as follows:

The factors mentioned in section 98 of this Act are-

- (a) any change in circumstances since the title condition was created (including, without prejudice to that generality, any change in the character of the benefited property, of the burdened property or of the neighbourhood of the properties);
- (b) the extent to which the condition-
 - (i) confers benefit on the benefited property; or
 - (ii) where there is no benefited property, confers benefit on the public;
- (c) the extent to which the condition impedes enjoyment of the burdened property;
- (d) if the condition is an obligation to do something, how-
 - (i) practicable; or
 - (ii) costly,it is to comply with the condition;
- (e) the length of time which has elapsed since the condition was created;
- (f) the purpose of the title condition;
- (g) whether in relation to the burdened property there is the consent, or deemed consent, of a planning authority, or the consent of some other regulatory authority, for a use which the condition prevents;
- (h) whether the owner of the burdened property is willing to pay compensation;

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- (i) if the application is under section 90(1)(c)(ii) of this Act, the purpose for which the land is being acquired by the person proposing to register the conveyance; and
- (j) any other factor which the Lands Tribunal consider to be material.

4. In the case of applications under section 90(1)(b)(ii) you should be able to obtain more information about the purpose of the conveyance from the person proposing to register the conveyance, whose name and address is on the notice you received, however it is not necessary for you to comment on section 100(j) if you do not have information.

5. Your application will be intimated to persons who may have an interest to oppose it. It is accordingly in your interest to ensure that you set out your description of any circumstances relied on as fully and accurately as you can. The Tribunal may allow new material to be introduced at a later stage but if this gives rise to expense which could have been avoided by a more careful application, the Tribunal will take that into consideration. You will not be allowed to introduce new material in the later stages of the case if the Tribunal thinks this would prejudice any objectors.

FORM TC 90(1)(c) *Application under section 90(1)(c) of the Title Conditions (Scotland) Act 2003 to preserve a community burden*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1. Name and address of applicant.

2. Applicant's connection with land subject to the community burden.

The applicant is the owner of a unit in a community (describe the applicant's benefited property sufficiently precisely to enable it to be identified).

3. Particulars of community burden to be preserved.

(a) Nature of community burden.

(b) Manner and date of creation of community burden (describe the deed in which the community burden was created by reference to the names of the parties and date of registration or recording).

4. Circumstances giving rise to application (here give details of the notice received of a proposal to register a deed of variation or discharge, including the name and address of the person proposing to register. Alternatively a copy of the notice may be enclosed.).

5. Date specified in that notice (give the date by which an application for preservation must be made to the Lands Tribunal).

6. Statutory basis of application (here specify which of the grounds in section 98 applies and give brief details of circumstances bearing on each of the factors referred to in section 100 of the Title Conditions (Scotland) Act 2003. Note that in relation to section 100(j) you should set out full detail of any other circumstances you wish the Tribunal to consider in support of your application.).

I/We hereby apply for the preservation of the community burden described above.

Signed

Date

(To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB)

NOTES FOR THE INFORMATION OF APPLICANTS

1. You should enclose with this application a copy of the conveyance, deed, instrument or writing under which the title condition was created and a large scale plan of the location identifying adjacent properties.

2. Section 98 of the Title Conditions (Scotland) Act reads as follows:

An application for the variation, discharge, renewal or preservation, of a title condition shall, unless it falls to be granted as of right under section 97(1) of this Act, be granted by the Lands Tribunal only if they were satisfied, having regard to the factors set out in section 100 of this Act, that—

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- (a) except in the case of an application under subsection (3) of section 34 or, in respect of a deed of variation or discharge granted by the owner of an adjacent unit, subsection (1) of section 37 of this Act, it is reasonable to grant the application; or
- (b) in such a case, the variation or discharge in question
 - (i) is not in the best interests of the owners of all the units in the community; or
 - (ii) is unfairly prejudicial to one or more of those owners.

3. Section 100 of the Title Conditions (Scotland) Act reads as follows:

The factors mentioned in section 98 of this Act are—

- (a) any change in circumstances since the title condition was created (including, without prejudice to that generality, any change in the character of the benefited property, of the burdened property or of the neighbourhood of the properties);
- (b) the extent to which the condition
 - (i) confers benefit on the benefited property; or
 - (ii) where there is no benefited property, confers benefit on the public;
- (c) the extent to which the condition impedes enjoyment of the burdened property;
- (d) if the condition is an obligation to do something, how—
 - (i) practicable; or
 - (ii) costly,it is to comply with the condition;
- (e) the length of time which has elapsed since the condition was created;
- (f) the purpose of the title condition;
- (g) whether in relation to the burdened property there is the consent, or deemed consent, of a planning authority, or the consent of some other regulatory authority, for a use which the condition prevents;
- (h) whether the owner of the burdened property is willing to pay compensation;
- (i) if the application is under section 90(1)(b)(ii) of this Act, the purpose for which the land is being acquired by the person proposing to register the conveyance; and
- (j) any other factor which the Lands Tribunal consider to be material.

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4. Your application will be intimated to persons who may have an interest to oppose it. It is accordingly in your interest to ensure that you set out your description of any circumstances relied on as fully and accurately as you can. The Tribunal may allow new material to be introduced at a later stage but if this gives rise to expense which could have been avoided by a more careful application, the Tribunal will take that into consideration. You will not be allowed to introduce new material in the later stages of the case if the Tribunal thinks this would prejudice any objectors.

FORM TC 90(1)(d) Application under section 90(1)(d) of the Title Conditions (Scotland) Act 2003 by an owner of a unit to preserve a development management scheme

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1. **Name and address of applicant.**
2. **Unit in the development management scheme owned by the applicant.**
3. **Particulars of development management scheme.**
 - (a) Name and address of owners' association.
 - (b) Name of grantor and the registration date of the deed of application of the development management scheme
4. **Circumstances giving rise to application** (*here give details of the notice received of a proposal to register a deed of disapplication, including the name and address of the person proposing to register. Alternatively a copy of the notice may be enclosed.*).
5. **Date specified in that notice** (*give the date by which an application for preservation must be made to the Lands Tribunal*).
6. **Case for preservation** (*here give a summary of the reasons for the application for preservation*).

I/We hereby apply for the preservation of the community burden described above.

Signed

Date
(*To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB!*)

NOTES FOR THE INFORMATION OF APPLICANTS

1. You should enclose with this application a copy of the deed of application of the development management scheme.

2. Section 98(1) of the Title Conditions (Scotland) Act reads as follows:

An application for the preservation of a development management scheme shall, unless it fails to be granted as of right under subsection (1) above, be granted by the Lands Tribunal only if they are satisfied, in the case of an application—

- (a) under paragraph (d) of section 90(1) of this Act, that the disapplication of the development management scheme or a real burden imposed by the deed of disapplication is not in the best interests of the owners of the units of the development or is unfairly prejudicial to one or more of those owners;
- (b) under paragraph (e) of that section, that having regard to the purpose for which the land is being acquired by the person proposing to register the conveyance it is reasonable to grant the application.

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3. Your application will be intimated to persons who may have an interest to oppose it. It is accordingly in your interest to ensure that you set out your description of any circumstances relied on as fully and accurately as you can. The Tribunal may allow new material to be introduced at a later stage but if this gives rise to expense which could have been avoided by a more careful application, the Tribunal will take that into consideration. You will not be allowed to introduce new material in the later stages of the case if the Tribunal thinks this would prejudice any objectors.

FORM TC 90(1)(e) Application under section 90(1)(e) of the Title Conditions (Scotland) Act 2003 by an owners' association to preserve a development management scheme

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1. **Name and address of applicant** (*owners' association*)
2. **Particulars of development management scheme** (*specify the name of the grantor and the registration date of the deed of application*).
3. **Circumstances giving rise to application** (*here give details of the notice received of a proposal to register a conveyance including the name and address of the person proposing to register. Alternatively a copy of the notice may be enclosed.*)
4. **Date specified in that notice** (*give the date by which an application for preservation must be made to the Lands Tribunal*)
5. **Case for preservation** (*here give a summary of the reasons for preservation*).

I/We hereby apply for the preservation of the community burden described above.

Signed

Date

(To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB)

NOTES FOR THE INFORMATION OF APPLICANTS

1. You should enclose with this application a copy of the deed of application of the development management scheme.

2. Section 99(4) of the Title Conditions (Scotland) Act reads as follows:—

An application for the preservation of a development management scheme shall, unless it falls to be granted as of right under subsection (1) above, be granted by the Lands Tribunal only if they are satisfied, in the case of an application—

(a) under paragraph (d) of section 90(1) of this Act, that the disapplication of the development management scheme or a real burden imposed by the deed of disapplication is not in the best interests of the owners of the units of the development or is unfairly prejudicial to one or more of those owners;

(b) under paragraph (e) of that section, that having regard to the purpose for which the land is being acquired by the person proposing to register the conveyance it is reasonable to grant the application.

3. Your application will be intimated to persons who may have an interest to oppose it. It is accordingly in your interest to ensure that you set out your description of any circumstances relied on as fully and accurately as you can. The Tribunal may allow new material to be introduced at a later stage but if this gives rise to expense which could have been avoided by a more careful application, the Tribunal will take that into consideration. You will not be allowed to introduce new material in the later stages of the case if the Tribunal thinks this would prejudice any objectors.

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FORM TC 91 *Application under section 91 of the Title Conditions (Scotland) Act 2003 to vary or discharge a community burden*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- 1. Names and addresses of applicants.**
- 2. Particulars of community burden.**
 - (a) Nature of community burden.
 - (b) Manner and date of creation of community burden (*describe the deed in which the community burden was created by reference to the names of the parties and date of registration or recording*).
- 3. Addresses of units in the community.**
- 4. Details of Application** (*here give a statement of the circumstances which have led to the application*).
- 5. Nature of application** (*here state whether the application is for discharge or variation of the title condition, and if the latter specify what change is required*).
- 6. Statutory basis of application** (*here specify which of the grounds in section 98 applies and give brief details of circumstances bearing on each of the factors referred to in section 100 of the Title Conditions (Scotland) Act 2003. Note that in relation to section 100(j) you should set out full detail of any other circumstances you wish the Tribunal to consider in support of your application.*)

We constitute owners of at least one quarter of the units in a community burdened by the above mentioned community burden. We hereby apply for the discharge/variation of the community burden.

Signed :

Date

(To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB)

NOTES FOR THE INFORMATION OF APPLICANTS

- 1.** You should enclose with this application a copy of the conveyance, deed, instrument or writing under which the title condition was created, a large scale plan of the location identifying adjacent properties and any grant of planning permission which has been obtained for any proposed development, with any plans relating to it.
- 2.** Section 98 of the Title Conditions (Scotland) Act reads as follows:-

An application for the variation, discharge, renewal or preservation, of a title condition shall, unless it falls to be granted as of right under section 57(1) of this Act, be granted by the Lands Tribunal only if they are satisfied, having regard to the factors set out in section 100 of this Act, that

- (a) except in the case of an application under subsection (3) of section 34 or, in respect of a deed of variation or discharge granted by the owner

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of an adjacent unit, subsection (1) of section 37 of this Act, it is reasonable to grant the application; or

- (b) in such a case, the variation or discharge in question
 - (i) is not in the best interests of the owners of all the units in the community; or
 - (ii) is unfairly prejudicial to one or more of those owners

3. Section 100 of the Title Conditions (Scotland) Act reads as follows:

The factors mentioned in section 98 of this Act are—

- (a) any change in circumstances since the title condition was created (including, without prejudice to that generality, any change in the character of the benefited property, of the burdened property or of the neighbourhood of the properties);
- (b) the extent to which the condition
 - (i) confers benefit on the benefited property; or
 - (ii) where there is no benefited property, confers benefit on the public;
- (c) the extent to which the condition impedes enjoyment of the burdened property;
- (d) if the condition is an obligation to do something, how
 - (i) practicable; or
 - (ii) costly.it is to comply with the condition;
- (e) the length of time which has elapsed since the condition was created;
- (f) the purpose of the title condition;
- (g) whether in relation to the burdened property there is the consent, or deemed consent, of a planning authority, or the consent of some other regulatory authority, for a use which the condition prevents;
- (h) whether the owner of the burdened property is willing to pay compensation;
- (i) if the application is under section 90(1)(b)(ii) of this Act, the purpose for which the land is being acquired by the person proposing to register the conveyance; and
- (j) any other factor which the Lands Tribunal considers to be material.

4. Your application will be intimated to persons who may have an interest to oppose it. It is accordingly in your interest to ensure that you set out your description of any circumstances relied on as fully as you can. The Tribunal may allow new material to be introduced at a later stage but if this gives rise to expense which could have been avoided by a more careful application, the Tribunal will take that into consideration. You will not be allowed to introduce new material in the later stages of the case if the Tribunal thinks this would prejudice any objectors.

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FORM TC 23 *Application for certificate referred to in section 23 of the Title Conditions (Scotland) Act 2003*

1. **Name and address of applicant.**
2. **The date specified for application to the Lands Tribunal in the notice of termination is (specify date).**

I confirm that I have intimated a notice of termination in terms of section 21 of the Title Conditions (Scotland) Act 2003 and attach copy of the notice and proof of intimation. I hereby apply for a certificate as referred to in section 23 of that Act.

Signal

Date
(To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB)

NOTES FOR THE INFORMATION OF APPLICANTS

1. Where intimation of the Notice of Termination has been by sending a copy, enclose a list of the benefited proprietors, personal real burden holders and owners of the burdened property to whom intimation was sent and the corresponding recorded delivery confirmation slips.
2. Where intimation has been by affixed notice, enclose a copy of the notice and confirm the locations at which it was displayed and the dates on which it was displayed.
3. Where intimation has been by advertisement, enclose a copy of the advertisement.

FORM TC 37 *Application for certificate referred to in section 37 of the Title Conditions (Scotland) Act 2003*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1. **Name and address of applicant.**
2. **The date specified for application to the Lands Tribunal in the intimation of the proposal to register a deed of variation or discharge under section 33/section 35 of the above Act is (specify date).**

I confirm that I have intimated a proposal to register a deed of variation or discharge under section 33/section 35 of the above Act and attach copy of the deed and proof of intimation. I hereby apply for a certificate as referred to in section 37 of the Title Conditions (Scotland) Act 2003.

Signed :

Date
(To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB)

NOTES FOR THE INFORMATION OF APPLICANTS

1. Intimation must have been given to such owners of the units in the community as have not granted the deed of variation or discharge.
2. For a proposed variation or discharge under section 33, intimation *must* be made by sending. For a proposed variation or discharge under section 35, intimation *may* be made by sending, by conspicuous notice or, if it is not possible to use a conspicuous notice, by advertisement.
3. Where intimation has been by sending, enclose a list of the owners to whom intimation was sent and the corresponding recorded delivery confirmation slips.
4. Where intimation has been by affixed notice, enclose a copy of the notice and confirm the locations at which it was displayed and the dates on which it was displayed.
5. Where intimation has been by advertisement, enclose a copy of the advertisement.

FORM TC 73*Application for certificate referred to in section 73(3) of the Title Conditions (Scotland) Act 2003*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1. **Name and address of owners' association.**
2. **The date specified for application to the Lands Tribunal in the intimation of the proposal to register a deed of disapplication is (specify date).**

We confirm that we have intimated a proposal to disapply a development management scheme and attach a copy of the deed and proof of intimation. We hereby apply for a certificate as referred to in section 73(3) of the Title Conditions (Scotland) Act 2003.

Signed

Date
(To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB)

NOTES FOR THE INFORMATION OF APPLICANTS

Intimation must have been made by sending a copy of the deed of disapplication to every person who is the owner of a unit in the development. Enclose a list of the owners to whom intimation was sent and the corresponding recorded delivery confirmation slips.

FORM TC 86 Referral to the Lands Tribunal of a dispute in relation to assessment of value under section 86(5) of the Title Conditions (Scotland) Act 2003

1. **Name and address of applicant.**
2. **Names and addresses of other parties to the dispute.**
3. **Grounds for dispute.**

I hereby apply for a determination of the dispute referred to above.

Signed

Date
(To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB)

NOTES FOR THE INFORMATION OF APPLICANTS

At any hearing relating to this application you will be required to adhere to the case set out above unless the Tribunal considers that the introduction of new material would not prejudice the interests of other parties.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM TC 102*Referral to the Lands Tribunal of a notice dispute under section 102 of the Title Conditions (Scotland) Act 2003*

- 1. Name and address of applicant.**
- 2. Names and addresses of other parties to the dispute.**
- 3. Applicant's relationship to the land which is the subject of the notice.** *(State whether the applicant is the owner of the burdened property or otherwise give details of the applicant's interest in the burdened property.)*
- 4. Grounds for dispute.**

I enclose a copy of the disputed notice. I hereby apply for a determination of the dispute referred to above

Signed

Date
(To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB)

NOTES FOR THE INFORMATION OF APPLICANTS

- 1.** As well as the disputed notice it will usually be helpful to the Tribunal to enclose with this application a copy of the deed under which the real burden or negative servitude was created and a large scale plan of the location identifying adjacent properties.
- 2.** At any hearing relating to this application you will be required to adhere to the case set out above unless the Tribunal considers that the introduction of new material would not prejudice the interests of other parties.

FORM AFT 20*Application for reallocation of a real burden by order of the Lands Tribunal under section 20 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1. **Name and address of applicant.**
2. **Particulars of real burden.**
 - (a) Nature of real burden.
 - (b) Manner and date of creation of real burden (*describe the deed in which the real burden was created by reference to the names of the parties and date of registration or recording*).
3. **Description of prospective servient tenement.**
4. **Description of prospective dominant tenement.**
5. **Name and address of the person who has right to the feu.**
6. **Description of attempt to reach agreement with the person who has right to the feu.**
7. **Statutory basis of application.** If the real burden were to be extinguished there would be material detriment to the value or enjoyment of the applicant's ownership of the dominant tenement because (*specify reasons*).

↳We hereby apply for the reallocation of the real burden referred to above.

Signed

Date
(To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB)

NOTES FOR THE INFORMATION OF APPLICANTS

1. You should enclose with this application a copy of the deed under which the real burden was created and a large scale plan of the location identifying adjacent properties.
2. At any hearing relating to this application you will be required to adhere to the esse set out above unless the Tribunal considers that the introduction of new material would not prejudice the interests of other parties.

FORM AFT 44Referral to the Lands Tribunal of a notice dispute under section 44 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1. **Name and address of applicant.**
2. **Names and addresses of other parties to the dispute.**
3. **Applicant's relationship to the land which is the subject of the notice.** *(State whether the applicant is the owner of the prospective servient tenement or otherwise give details of the applicant's interest in the prospective servient tenement.)*
4. **Grounds for dispute.**

I enclose a copy of the disputed notice. I hereby apply for a determination of the dispute referred to above.

Signed

Date
(To be signed by the applicant or by the applicant's solicitor, who should add a designation and the words: Agent of the said AB)

NOTES FOR THE INFORMATION OF APPLICANTS

1. As well as the disputed notice it will usually be helpful to the Tribunal to enclose with this application a copy of the deed under which the real burden was created and a large scale plan of the location identifying adjacent properties.
2. At any hearing relating to this application you will be required to adhere to the case set out above unless the Tribunal considers that the introduction of new material would not prejudice the interests of other parties.