EXECUTIVE NOTE

THE LANDS TRIBUNAL FOR SCOTLAND AMENDMENT RULES 2009 (S.S.I. 2009/259)

AND

THE LANDS TRIBUNAL FOR SCOTLAND AMENDMENT (FEES) RULES 2009 (S.S.I. 2009/260)

The powers to make these rules are conferred by section 3 of the Lands Tribunal Act 1949.

Policy objectives

Part 6 of the Title Conditions (Scotland) Act 2003 makes provision for the Development Management Scheme, which is a model scheme for future property developers to use when drawing up title deeds for new developments. The Scheme can be applied to any type of housing or commercial development, including tenements. It is intended for use in more complex developments, and aims to reduce conflict by clearly setting out where obligations and liabilities lie, for example for maintenance, in relation to shared facilities.

The Title Conditions (Scotland) Act 2003 (Development Management Scheme) Order 2009 (SI 2009/729) made provision relating to the discharge, variation and preservation of a rule of the Development Management Scheme by means of an application to the Lands Tribunal for Scotland. These Rules amend the Lands Tribunal for Scotland Rules 2003 to make provision relating to how such applications are made and processed. It amends the Lands Tribunal for Scotland Rules 1971 by adding rules about fees for applications under the Order.

Consultation

The Lands Tribunal for Scotland and the Administrative Justice and Tribunals Council, and its Scottish Committee have been consulted and are content.

Regulatory Impact Assessment

None.

Financial Effects

The instrument has no financial effect on the Scottish Government, local government or on business.

Scottish Government
Constitution, Law and Courts Directorate
23 June 2009