

**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*

**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 granter 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

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Date

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*(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.