

# **Property managers in Scotland - a market study**

Annexe K - Glossary

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## 1 GLOSSARY

<b>AMC</b>	Annual maintenance charge
<b>CCAS</b>	OFT Consumer Codes Approval Scheme
<b>Common interest</b>	<p>The principal of common interest can be summarised into the following rules:</p> <ul style="list-style-type: none"><li>(i) that an owner must maintain his own property to the extent that it provides support and shelter for the rest of the building;</li><li>(ii) that an owner may not alter his property if to do so would imperil support or shelter;</li><li>(iii) that the owner of any land forming part of the tenement may not build on that land so as to interfere with the natural light enjoyed by any flat; and</li><li>(iv) that the owner of a wall must allow the use of any pre-existing chimney flues.</li></ul>
<b>Community burden</b>	<p>A community burden is a real burden* imposed under a common scheme of four or more properties where each owner is both bound by the burden and can enforce the burden against other properties in the community.</p> <p>*see definition below</p>
<b>Consumer Focus Scotland</b>	Formerly the Scottish Consumer Council
<b>COSLA</b>	Convention of Scottish Local Authorities
<b>Deed of conditions</b>	A separate deed containing, among other things, real burdens.* The deed provides the

means for real burdens relating to a number of properties can be created in a single document – typically used where a number of properties are to be sold off.

\*see definition below

<b>Disposition</b>	The second stage of the conveyancing process in Scotland. See Missives of purchase and sale below.
<b>Factor</b>	See 'Property Manager' below
<b>Feuduty</b>	A periodic payment due by the owner of a property to their feudal superior.
<b>Float</b>	A contribution made by a property owner on purchasing a property. The float provides the property manager with a source of funding from which to pay contractors, recurring maintenance services or urgent repairs.
<b>Heritable Estate/Property</b>	Property in the form of land and houses.
<b>HITF</b>	Home Improvements Task Force
<b>HA</b>	Housing Association
<b>LA</b>	Local Authority
<b>Land Register of Scotland</b>	A public register of interests in land in Scotland managed and maintained by the Registers of Scotland.
<b>Law of the tenement</b>	The rules applying to the ownership and maintenance of tenement buildings.

**LEASE** 'LEASE, The Leasehold Advisory Service, is an Executive Non Departmental Public Body (ENDPB) funded by Government to provide free legal advice to leaseholders, landlords, professional advisers, managers and others on the law affecting residential leasehold and commonhold.'

Taken from its website: <http://www.lease-advice.org/>.

**LMC** Land maintenance company

**LTS** Lands Tribunal for Scotland

**LVT** Leasehold Valuation Tribunal

**Manager burden** A condition (typically put in place by a developer) at the time of setting up the community which gives power to appoint a manager to a particular party, such as the developer or a management company.

**Missives of purchase and sale** The first stage in the conveyancing of property in Scotland. Missives of purchase and sale consist of formal letter between seller and buyer. Once Missives of purchase and sale are concluded the buyer has a contractual, that is a personal right to demand that the seller form the obligation to convey the property.

In the second stage the Disposition is prepared for signature by the seller.

In the third stage, ownership of the land passes on registration of the Disposition.

<b>PMAS</b>	Property Managers Association of Scotland
	The Association concerns itself with all aspects of property management and the law relating to heritable property.
<b>PRHC</b>	Private Rented Housing Committee
<b>Property manager</b>	A company that provides maintenance, repair and management services. Property management is also provided by local authorities and Registered Social Landlords.
	Property Managers are also known as Factors.
<b>Real burden</b>	Essentially an obligation affecting land or buildings.
<b>Register of sasines</b>	A register of title deeds which is being replaced by the Land Register of Scotland. *
	*see definition above
<b>RSLs</b>	Registered Social Landlords
	Registered Social Landlords are independent housing organisations registered with Scottish Housing Regulator under the Housing (Scotland) Act 2001 which includes housing associations.
<b>Right to Buy</b>	The Right to Buy was introduced in Scotland by the Tenants' Rights, Etc (Scotland) Act 1980. The premise of the Right to Buy was that any eligible council tenant could have the opportunity to purchase their rented home at a discounted price.

<b>SCC</b>	Scottish Consumer Council (Consumer Focus Scotland from September 2008).
<b>Self-factoring</b>	Self-factoring is when the residents manage their own property without the assistance of a property manager or other external party.
<b>SHCS</b>	Scottish House Condition Survey
<b>SHR</b>	Scottish Housing Regulator
<b>Sinking fund</b>	A fund into which property owners set aside money over a period of time in order to fund large scale (or expensive) repairs.
<b>Solum</b>	The ground on which a building has been built.
<b>SPSO</b>	Scottish Public Services Ombudsman  'The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about organisation providing public services in Scotland'.  Taken from its website: <a href="http://www.spsso.org.uk">www.spsso.org.uk</a> .
<b>SUDS</b>	Sustainable urban drainage systems  SUDS are special forms of landscaping designed to assist storm water drainage and therefore reduce the risk of flooding of the surrounding properties.

<b>Switching</b>	Switching occurs when residents make a collective decision to end their contract of services with one property manager, and employ another in their place.
<b>Title deeds</b>	Title deeds are the legal documents which show who officially owns a house, land or other type of building. Title deeds also show if there is a mortgage over the house and will give details of any access or other rights (sometimes known as 'burdens') that come with, or are excluded from, the house.
<b>Title conditions</b>	A broad term for conditions applying to land ownership – includes real burdens.*  *see definition above
<b>TMS</b>	Tenement Management Scheme (contained in the Tenements (Scotland) Act 2004)
<b>UTCCRs</b>	Unfair Terms in Consumer Contracts Regulations 1999
<b>VFM</b>	Value for money