



# Title Conditions (Scotland) Act 2003

## 2003 asp 9

### PART 1

#### REAL BURDENS: GENERAL

##### *Duration, enforceability and liability*

#### **10 Affirmative burdens: continuing liability of former owner**

- (1) An owner of burdened property shall not, by virtue only of ceasing to be such an owner, cease to be liable for the performance of any relevant obligation.
- (2) A person who becomes an owner of burdened property (any such person being referred to in this section as a “new owner”) shall be severally liable with any former owner of the property for any relevant obligation for which the former owner is liable.
- (3) A new owner who incurs expenditure in the performance of any relevant obligation for which a former owner of the property is liable may recover an amount equal to such expenditure from that former owner.
- (4) For the purposes of subsections (1) to (3) above, “relevant obligation” means any obligation under an affirmative burden which is due for performance; and such an obligation becomes due—
  - (a) in a case where—
    - (i) the burden is a community burden; and
    - (ii) a binding decision to incur expenditure is made, on the date on which that decision is made; or
  - (b) in any other case, on—
    - (i) such date; or
    - (ii) the occurrence of such event, as may be stipulated for its performance (whether in the constitutive deed or otherwise).