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## **EXPLANATORY NOTES**

# TENEMENTS (SCOTLAND) ACT 2004

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#### **BACKGROUND**

#### THE ACT

### **COMMENTARY ON SECTIONS**

### **Boundaries and Pertinents**

- Section 1 Determination of Boundaries and Pertinents
- Section 2 Tenement Boundaries
- Section 3 Pertinents

### **Tenement Management Scheme**

Section 4 – Application of the Tenement Management Scheme

## **Resolution of Disputes**

- Section 5 Application to sheriff for annulment of certain decisions
- Section 6 Application to sheriff for order resolving certain disputes

## **Support and Shelter**

- Section 7 Abolition as respects tenements of common law rules of common interest
- Section 8 Duty to maintain so as to provide support and shelter etc.
- Section 9 Prohibition on interference with support or shelter etc.
- Section 10 Recovery of costs incurred by virtue of section 8

## **Repairs: Costs and Access**

- Section 11 Determination of when an owner's liability for certain costs arises
- Section 12 Liability of owner and successors for certain costs
- Section 13 Notice of potential liability for costs: further provision

- Section 14 Former owner's right to recover costs
- Section 15 Prescriptive period for costs to which section 11 relates
- Section 16 Common property: disapplication of common law right of recovery
- Section 17 Access for maintenance purposes

#### **Insurance**

Section 18 – obligation of owner to insure

# **Installation of Service Pipes Etc.**

Section 19 – Installation of service pipes etc.

### **Demolition and Abandonment of Tenement Building**

- Section 20 Demolition of a tenement building not to affect ownership
- Section 21 Cost of demolishing tenement building
- Section 22 Use and disposal of site where tenement building demolished
- Section 23 Sale of abandoned tenement building

### **Liability for Certain Costs**

Section 24 – Liability to non-owner for certain damage costs

### Miscellaneous and General

- Section 25 Amendments to the Title Conditions (Scotland) Act 2003
- Section 26 Meaning of "tenement"
- Section 27 Meaning of "management scheme"
- Section 28 Meaning of "owner", determination of liability etc.
- Section 29 Interpretation
- Section 30 Giving of notice to owners
- Section 31 Ancillary provision
- Section 32 Orders and Regulations
- Section 33 Crown Application
- Schedule 1 Tenement Management Scheme

- Rule 1 scope and interpretation
- Rule 2 procedures for making scheme decisions
- Rule 3 matters on which scheme decisions may be made
- Rule 4 scheme costs: liability and apportionment
- Rule 5 redistribution of share of costs
- Rule 6 procedural irregularities
- Rule 7 emergency work
- Rule 8 enforcement
- Rule 9 giving of notice
- Schedule 2 Form of Notice of Potential Liability for Costs
- Schedule 3 Sale under Section 22(3) Or 23(1)
- Schedule 4 Amendments of Title Conditions (Scotland) Act 2003

### **PARLIAMENTARY HISTORY**