

Changes to legislation: There are currently no known outstanding effects for the Tenements (Scotland) Act 2004, RULE 1 –. (See end of Document for details)

SCHEDULE 1 TENEMENT MANAGEMENT SCHEME

RULE 1 – SCOPE AND INTERPRETATION

Scope of scheme

- 1.1 This scheme provides for the management and maintenance of the scheme property of a tenement.

Commencement Information

II Sch. 1 in force at 28.11.2004 by [S.S.I. 2004/487](#), [art. 2\(1\)\(d\)](#)

Meaning of “scheme property”

- 1.2 For the purposes of this scheme, “scheme property” means, in relation to a tenement, all or any of the following—
- (a) any part of the tenement that is the common property of two or more of the owners,
 - (b) any part of the tenement (not being common property of the type mentioned in paragraph (a) above) the maintenance of which, or the cost of maintaining which, is, by virtue of a tenement burden, the responsibility of two or more of the owners,
 - (c) with the exceptions mentioned in rule 1.3, the following parts of the tenement building (so far as not scheme property by virtue of paragraph (a) or (b) above)—
 - (i) the ground on which it is built,
 - (ii) its foundations,
 - (iii) its external walls,
 - (iv) its roof (including any rafter or other structure supporting the roof),
 - (v) if it is separated from another building by a gable wall, the part of the gable wall that is part of the tenement building, and
 - (vi) any wall (not being one falling within the preceding subparagraphs), beam or column that is load bearing.

Commencement Information

II Sch. 1 in force at 28.11.2004 by [S.S.I. 2004/487](#), [art. 2\(1\)\(d\)](#)

Parts not included in rule 1.2(c)

- 1.3 The following parts of a tenement building are the exceptions referred to in rule 1.2(c)—
- (a) any extension which forms part of only one flat,
 - (b) any—

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- (i) door,
 - (ii) window,
 - (iii) skylight,
 - (iv) vent, or
 - (v) other opening,
- which serves only one flat,
- (c) any chimney stack or chimney flue.

Commencement Information

II Sch. 1 in force at 28.11.2004 by [S.S.I. 2004/487](#), **art. 2(1)(d)**

Meaning of “scheme decision”

- 1.4 A decision is a “scheme decision” for the purposes of this scheme if it is made in accordance with—
- (a) rule 2, or
 - (b) where that rule does not apply, the tenement burden or burdens providing the procedure for the making of decisions by the owners.

Commencement Information

II Sch. 1 in force at 28.11.2004 by [S.S.I. 2004/487](#), **art. 2(1)(d)**

Other definitions

- 1.5 In this scheme—
- “maintenance” includes repairs and replacement, ^{[F1}the installation of insulation,] cleaning, painting and other routine works, gardening, the day to day running of a tenement and the reinstatement of a part (but not most) of the tenement building, but does not include demolition, alteration or improvement unless reasonably incidental to the maintenance,
- “manager” means, in relation to a tenement, a person appointed (whether or not by virtue of rule 3.1(c)(i)) to manage the tenement, and
- “scheme costs” has the meaning given by rule 4.1.

Textual Amendments

F1 Words in sch. 1 rule 1.5 inserted (1.4.2010) by [Climate Change \(Scotland\) Act 2009 \(asp 12\)](#), **ss. 69, 100(2)** (with s. 95); [S.S.I. 2009/341](#), **art. 2(3)**

Commencement Information

II Sch. 1 in force at 28.11.2004 by [S.S.I. 2004/487](#), **art. 2(1)(d)**

Rights of co-owners

- 1.6 If a flat is owned by two or more persons, then one of them may do anything that the owner is by virtue of this scheme entitled to do.

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