



# Tenements (Scotland) Act 2004

## 2004 asp 11

### *Boundaries and pertinents*

#### **2 Tenement boundaries**

- (1) Subject to subsections (3) to (7) below, the boundary between any two contiguous sectors is the median of the structure that separates them; and a sector—
  - (a) extends in any direction to such a boundary; or
  - (b) if it does not first meet such a boundary—
    - (i) extends to and includes the solum or any structure which is an outer surface of the tenement building; or
    - (ii) extends to the boundary that separates the sector from a contiguous building which is not part of the tenement building.
- (2) For the purposes of subsection (1) above, where the structure separating two contiguous sectors is or includes something (as for example, but without prejudice to the generality of this subsection, a door or window) which wholly or mainly serves only one of those sectors, the thing is in its entire thickness part of that sector.
- (3) A top flat extends to and includes the roof over that flat.
- (4) A bottom flat extends to and includes the solum under that flat.
- (5) A close extends to and includes the roof over, and the solum under, the close.
- (6) Where a sector includes the solum (or any part of it) the sector shall also include, subject to subsection (7) below, the airspace above the tenement building and directly over the solum (or part).
- (7) Where the roof of the tenement building slopes, a sector which includes the roof (or any part of it) shall also include the airspace above the slope of the roof (or part) up to the level of the highest point of the roof.

#### **Commencement Information**

**11** S. 2 in force at 28.11.2004 by [S.S.I. 2004/487](#), [art. 2\(1\)\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Tenements (Scotland) Act 2004, Section 2.