



Tenements (Scotland) Act 2004

2004 asp 11

Miscellaneous and general

26 Meaning of “tenement”

- (1) In this Act, “tenement” means a building or a part of a building which comprises two related flats which, or more than two such flats at least two of which—
- (a) are, or are designed to be, in separate ownership; and
 - (b) are divided from each other horizontally,
- and, except where the context otherwise requires, includes the solum and any other land pertaining to that building or, as the case may be, part of the building; and the expression “tenement building” shall be construed accordingly.
- (2) In determining whether flats comprised in a building or part of a building are related for the purposes of subsection (1), regard shall be had, among other things, to—
- (a) the title to the tenement; and
 - (b) any tenement burdens,
- treating the building or part for that purpose as if it were a tenement.