
Changes to legislation: There are currently no known outstanding effects for the Tenements (Scotland) Act 2004, Section 8. (See end of Document for details)

SCHEDULE 4
AMENDMENTS OF TITLE CONDITIONS (SCOTLAND) ACT 2003

- 8 In section 29 (power of majority to instruct common maintenance)—
- (a) in subsection (2)—
 - (i) in paragraph (b)—
 - (A) for the words from the beginning to “that” where it first occurs there shall be substituted “ subject to subsection (3A) below, require each ”; and
 - (B) for sub-paragraph (ii) there shall be substituted—
 - “(ii) with such person as they may nominate for the purpose,”; and
 - (ii) paragraph (c) shall be omitted;
 - (b) after subsection (3) there shall be inserted—
 - “(3A) A requirement under subsection (2)(b) above that each owner deposit a sum of money—
 - (a) exceeding £100; or
 - (b) of £100 or less where the aggregate of that sum taken together with any other sum or sums required (otherwise than by a previous notice under this subsection) in the preceding 12 months to be deposited under that subsection by each owner exceeds £200,shall be made by written notice to each owner and shall require the sum to be deposited into such account (the “maintenance account”) as the owners may nominate for the purpose.
 - (3B) The owners may authorise a manager or at least two other persons (whether or not owners) to operate the maintenance account on their behalf.”;
 - (c) in subsection (4), for “(2)(b)” there shall be substituted “ (3A) ”;
 - (d) after subsection (6) there shall be inserted—
 - “(6A) The notice given under subsection (2)(b) above may specify a date as a refund date for the purposes of subsection (7)(b)(i) below.”;
 - (e) in subsection (7)(b)—
 - (i) in sub-paragraph (i), for “the fourteenth” there shall be substituted “ ”
 - (A) where the notice under subsection (2)(b) above specifies a refund date, that date; or
 - (B) where that notice does not specify such a date, the twenty-eighth”;
 - (ii) in sub-paragraph (ii), for “(4)(h)” there shall be substituted “ (3B) ”;
 - (f) after subsection (7) there shall be inserted—
 - “(7A) A former owner who, before ceasing to be an owner, deposited sums in compliance with a requirement under subsection (2)(b) above, shall have the same entitlement as an owner has under subsection (7) (b) above.”;
 - (g) in subsection (8), for “(2)(b)” there shall be substituted “ (3A) ”; and
 - (h) after subsection (9) there shall be inserted—

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“(10) The Scottish Ministers may by order substitute for the sums for the time being specified in subsection (3A) above such other sums as appear to them to be justified by a change in the value of money appearing to them to have occurred since the last occasion on which the sums were fixed.”.

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