

*These notes relate to the Tenements (Scotland) Act 2004
(asp 11) which received Royal Assent on 22 October 2004*

TENEMENTS (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Miscellaneous and General

Section 30 – Giving of notice to owners

130. Rule 9 of the Tenement Management Scheme contains detailed provisions on the giving of notices under the Scheme. *Section 30* contains provisions on giving notices under the main part of the Act.
131. The ways in which notice may be given to an owner are set out in *subsections (1) and (2)* and provision for determining the date of giving notice, whether it is posted or sent electronically, is set out in *subsection (4)*. These are consistent with the corresponding provisions in the Title Conditions Act. Under *subsection (3)*, it will be sufficient for notice to be sent to the flat in question addressed to “The Owner” or a similar expression such as “The Proprietor”. The name of the owner may not be known, or the name may be known, but the owner’s whereabouts may be a mystery. But, in order to be able to rely on *subsection (3)*, the person sending the notice will have to have made a reasonable enquiry as to where the owner is.