

TENEMENTS (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Support and Shelter

Section 9 – Prohibition on interference with support or shelter etc.

55. This section deals with the negative obligation to refrain from any alterations or work which might interfere with the support and shelter of the building. It also covers the rule of common interest relating to the right to light. Unlike [section 8](#), this section applies to occupiers of flats (such as tenants) as well as to owners.
56. The prohibition imposed under this section applies to the whole tenement, including the surrounding ground (see the definition of “tenement” in [section 26](#)). This contrasts again with [Section 8](#) which only applies to the tenement building.
57. Any owner who is or would be affected by breach of the prohibition may enforce the prohibition under [subsection \(2\)](#). An occupier, though bound by the prohibition, has no right to enforce. As with [section 8](#), where a flat is owned in common any of the owners has the right to enforce under [section 28\(5\)](#).