

TENEMENTS (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Installation of Service Pipes Etc.

Section 19 – Installation of service pipes etc.

95. *Section 19* provides a mechanism to cover the installation of services in tenements. Under the common law, an owner could not introduce new services to a tenement through common property without the consent of all the owners. The main purpose of the provision is to provide a mechanism to avoid the need for unanimity before any new service could be introduced into a tenement through the common property of all owners.
96. *Subsection (1)* makes it clear that an owner will be entitled to install pipes or other equipment through any part of the tenement for the provision of such services as Scottish Ministers may prescribe by regulations. The right will be subject to such procedures as Scottish Ministers may also prescribe under *subsection (2)* and *subsection (3)* which ensures that an owner will not be entitled to lead anything through or fix anything to any part which is wholly within another owner's flat. The right will also be subject to the provisions of *section 17* on access.