



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART VIII

BUILDINGS, ETC.

92 Cleaning and painting of common stairs, etc.

(1) In this section—

“common property” means common stairs, passages, water-closets, backgreens or basements or other similar areas or private courts;

“occupier”, in relation to common property, means the occupier or occupiers of lands or premises having a right of access by, or a right in common to, the common property.

(2) It shall be the duty of the occupier to keep the common property clean to the satisfaction of the [F1local authority] within whose area the common property is situated.

(3) A [F1local authority] may make byelaws for the regulation of the cleaning of common property by the occupier in accordance with this section and such byelaws may provide that persons contravening such provisions of the byelaws as may be specified as provisions contravention of which is an offence shall be liable, on summary conviction, to a fine not exceeding [F2level 2 on the standard scale] or such lesser sum as the byelaws may specify.

(4) A [F1local authority] may by notice in writing require the occupier to comply with subsection (2) above or with byelaws made under subsection (3) above within such reasonable time as may be specified in the notice.

(5) Sections 99(4) and 106 of this Act shall not apply to a notice served under subsection (4) above.

(6) A [F1local authority] may by notice in writing require the owner or owners of lands or premises having a right of access by common stairs or passages to paint or otherwise

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suitably decorate the common stairs or passages within such reasonable time as may be specified in the notice.

- (7) A [local authority] may remove litter from a backgreen or private court.
- (8) An authorised officer of a [^{F1}local authority] shall be entitled at any reasonable time to enter common property for the purpose of—
- (a) determining whether subsection (2) above and any byelaws made under subsection (3) above are being complied with;
 - (b) determining whether any common stairs or passages referred to in subsection (6) above require to be painted or otherwise suitably decorated.
- and a person authorised to do so by such a [^{F1}authority] shall be entitled at any reasonable time to enter such property and to do there anything which the [^{F1}authority] may do under subsection (7) above.
- (9) A person who throws down, drops or otherwise deposits, and leaves, litter in any common property shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F2}level 3 on the standard scale].

Textual Amendments

- F1** Words in s. 92(2)-(4)(6)-(8) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 129(11)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)