



Occupiers' Liability (Scotland) Act 1960

1960 CHAPTER 30

3 Landlord's liability by virtue of responsibility for repairs

- (1) Where premises are occupied or used by virtue of a tenancy under which the landlord is responsible for the maintenance or repair of the premises, it shall be the duty of the landlord to show towards any persons who or whose property may from time to time be on the premises the same care in respect of dangers arising from any failure on his part in carrying out his responsibility aforesaid as is required by virtue of the foregoing provisions of this Act to be shown by an occupier of premises towards persons entering on them.
- (2) Where premises are occupied or used by virtue of a subtenancy, the foregoing subsection shall apply to any landlord who is responsible for the maintenance or repair of the premises comprised in the sub-tenancy.
- (3) Nothing in this section shall relieve a landlord of any duty which he is under apart from this section.
- (4) For the purposes of this section, any obligation imposed on a landlord by any enactment by reason of the premises being subject to a tenancy shall be treated as if it were an obligation imposed on him by the tenancy, "tenancy" includes a statutory tenancy which does not in law amount to a tenancy and includes also any contract conferring a right of occupation, and "landlord" shall be construed accordingly.
- (5) This section shall apply to tenancies created before the commencement of this Act as well as to tenancies created after its commencement.