



# Title Conditions (Scotland) Act 2003

## 2003 asp 9

### PART 1

#### REAL BURDENS: GENERAL

##### *Duration, enforceability and liability*

#### **[<sup>F1</sup>10A Notice of potential liability for costs: further provision**

- (1) A notice of potential liability for costs—
  - (a) may be registered in relation to burdened property only on the application of—
    - (i) an owner of the burdened property;
    - (ii) an owner of the benefited property; or
    - (iii) any manager; and
  - (b) shall not be registered unless it is signed by or on behalf of the applicant.
- (2) A notice of potential liability for costs may be registered—
  - (a) in relation to more than one burdened property in respect of the same maintenance or work; and
  - (b) in relation to any one burdened property, in respect of different maintenance or work.
- (3) A notice of potential liability for costs expires at the end of the period of 3 years beginning with the date of its registration, unless it is renewed by being registered again before the end of that period.

[ The owner of a burdened property may apply to register a notice (a “notice of <sup>F2</sup>(3A) discharge”) if—

- (a) a notice of potential liability for costs in relation to the property has not expired,
- (b) the liability for costs under section 10(2) to which the notice of potential liability relates has, in relation to the property which is the subject of the application, been fully discharged, and
- (c) the person who registered the notice of potential liability for costs consents to the application.

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*Status: Point in time view as at 13/11/2014. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 10A. (See end of Document for details)*

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- (3B) A notice of discharge—
- (a) must be in the form prescribed by order made by the Scottish Ministers, and
  - (b) on being registered, discharges the notice of potential liability for costs as it applies to the property which is the subject of the application.]
- (4) This section applies to a renewed notice of potential liability for costs as it applies to any other such notice.
- (5) The Keeper of the Registers of Scotland shall not be required to investigate or determine whether the information contained in any notice of potential liability for costs submitted for registration is accurate.
- (6) The Scottish Ministers may by order amend schedule 1A to this Act.]

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**Textual Amendments**

- F1** S. 10A inserted (23.10.2004) by [Tenements \(Scotland\) Act 2004 \(asp 11\)](#), ss. 25, 34(3), [Sch. 4 para. 5](#) (with s. 33)
- F2** S. 10A(3A)(3B) inserted (13.11.2014 for specified purposes) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 86\(1\)](#), 104(3); S.S.I. 2014/264, art. 2, sch.

**Status:**

Point in time view as at 13/11/2014. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 10A.