

TENEMENTS (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Miscellaneous and General

Section 29 – Interpretation

128. *Subsection (1)* explains certain terms used in the Act. Only a small number of definitions require explanation here.
- *Flat*. It is made clear that a flat may be premises which comprise more than one storey and may include business and other premises, not merely premises used or intended to be used for residential purposes.
 - *Sector*. The term “sector” is used in the context of boundaries. In the definition of “sector”, the reference to “any other three-dimensional space not comprehended by a flat, close or lift” is intended to make clear that boundaries are an issue only where the units are in separate ownership. For example, a broom cupboard within a flat would not be a sector for the purposes of the Act.
 - *Tenement burden*. This term means any real burden (within the meaning of the Title Conditions Act) which affects the tenement or any sector of the tenement.
129. *Subsection (2)* explains how “floor area” is to be calculated. The “floor area” is the total floor area within the boundaries of a flat or flats including the area occupied by any internal wall or other internal dividing structure. No account is to be taken of the pertinents or a balcony. A loft or a basement will also be excluded when it is used for storage. If they are used for another purpose then they should be taken into account.