

SCHEDULE 4
AMENDMENTS OF TITLE CONDITIONS (SCOTLAND) ACT 2003

- 4 In section 10 (affirmative burdens: continuing liability of former owner)—
- (a) in subsection (2), at the beginning there shall be inserted “Subject to subsection (2A) below,”;
 - (b) after subsection (2) there shall be inserted—
 - “(2A) A new owner shall be liable as mentioned in subsection (2) above for any relevant obligation consisting of an obligation to pay a share of costs relating to maintenance or work (other than local authority work) carried out before the acquisition date only if—
 - (a) notice of the maintenance or work—
 - (i) in, or as near as may be in, the form set out in schedule 1A to this Act; and
 - (ii) containing the information required by the notes for completion set out in that schedule,(such a notice being referred to in this section and section 10A of this Act as a “notice of potential liability for costs”) was registered in relation to the burdened property at least 14 days before the acquisition date; and
 - (b) the notice had not expired before the acquisition date.
 - (2B) In subsection (2A) above—
 - “acquisition date” means the date on which the new owner acquired right to the burdened property; and
 - “local authority work” means work carried out by a local authority by virtue of any enactment.”; and
 - (c) at the end there shall be added—
 - “(5) This section does not apply in any case where section 12 of the Tenements (Scotland) Act 2004 ([asp 11](#)) applies.”.