



Tenements (Scotland) Act 2004

2004 asp 11

Demolition and abandonment of tenement building

21 Cost of demolishing tenement building

- (1) Except where a tenement burden otherwise provides, the cost of demolishing a tenement building shall, subject to subsection (2) below, be shared equally among all (or both) the flats in the tenement, and each owner is liable accordingly.
- (2) Where the floor area of the largest (or larger) flat in the tenement is more than one and a half times that of the smallest (or smaller) flat the owner of each flat shall be liable to contribute towards the cost of demolition of the tenement building in the proportion which the floor area of that owner's flat bears to the total floor area of all (or both) the flats.
- (3) An owner is liable under this section for the cost of demolishing a tenement building—
 - (a) in the case where the owner agrees to the proposal that the tenement building be demolished, from the date of the agreement; or
 - (b) in any other case, from the date on which the carrying out of the demolition is instructed.
- (4) This section applies as respects the demolition of part of a tenement building as it applies as respects the demolition of an entire tenement building but with any reference to a flat in the tenement being construed as a reference to a flat in the part.
- (5) In this section references to flats in a tenement include references to flats which were comprehended by the tenement before its demolition.
- (6) This section is subject to section 123 of the Housing (Scotland) Act 1987 (c. 26) (which makes provision as respects demolition of buildings in pursuance of local authority demolition orders and recovery of expenses by local authorities etc.).