



Tenements (Scotland) Act 2004

2004 asp 11

Miscellaneous and general

29 Interpretation

(1) In this Act, unless the content otherwise requires—

“chimney stack” does not include flue or chimney pot;

“close” means a connected passage, stairs and landings within a tenement building which together constitute a common access to two or more of the flats;

“demolition” includes destruction and cognate expressions shall be construed accordingly; and demolition may occur on one occasion or over any period of time;

“the development management scheme” has the meaning given by section 71(3) of the Title Conditions (Scotland) Act 2003 (asp 9);

“door” includes its frame;

“flat” includes any premises whether or not—

- (a) used or intended to be used for residential purposes; or
- (b) on the one floor;

“lift” includes its shaft and operating machinery;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39);

“owner” shall be construed in accordance with section 28 of this Act;

“power of sale order” means an order granted under paragraph 1 of schedule 3 to this Act;

“register”, in relation to a notice of potential liability for costs [^{F1}, a notice of discharge] or power of sale order, means register the information contained in the notice or order in the Land Register of Scotland or, as appropriate, record the notice or order in the Register of Sasines, and “registered” and other related expressions shall be construed accordingly;

“sector” means—

- (a) a flat;
- (b) any close or lift; or
- (c) any other three dimensional space not comprehended by a flat, close or lift,

Changes to legislation: There are currently no known outstanding effects for the Tenements (Scotland) Act 2004, Section 29. (See end of Document for details)

and the tenement building shall be taken to be entirely divided into sectors;
 “solum” means the ground on which a building is erected;
 “tenement” shall be construed in accordance with section 26 of this Act;
 “tenement burden” means, in relation to a tenement, any real burden (within the meaning of the Title Conditions (Scotland) Act 2003 (asp 9)) which affects—
 (a) the tenement; or
 (b) any sector in the tenement;
 “Tenement Management Scheme” means the scheme set out in schedule 1 to this Act;
 “title to the tenement” shall be construed in accordance with section 1(2) of this Act; and
 “window” includes its frame.

- (2) The floor area of a flat is calculated for the purposes of this Act by measuring the total floor area (including the area occupied by any internal wall or other internal dividing structure) within its boundaries; but no account shall be taken of any pertinents or any of the following parts of a flat—
- (a) a balcony; and
 - (b) except where it is used for any purpose other than storage, a loft or basement.

Textual Amendments

F1 Words in [s. 29\(1\)](#) inserted (13.11.2014 for specified purposes, 16.12.2014 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 86\(2\)\(b\)](#), 104(3); [S.S.I. 2014/264](#), [art. 2](#), [sch.](#)

Commencement Information

I1 S. 29 in force at 28.11.2004 by [S.S.I. 2004/487](#), [art. 2\(1\)\(c\)](#)

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