



# Tenements (Scotland) Act 2004

## 2004 asp 11

### *Insurance*

#### **18 Obligation of owner to insure**

- (1) It shall be the duty of each owner to effect and keep in force a contract of insurance against the prescribed risks for the reinstatement value of that owner's flat and any part of the tenement building attaching to that flat as a pertinent.
- (2) The duty imposed by subsection (1) above may be satisfied, in whole or in part, by way of a common policy of insurance arranged for the entire tenement building.
- (3) The Scottish Ministers may by order prescribe risks against which an owner shall require to insure (in this section referred to as the "prescribed risks").
- (4) Where, whether because of the location of the tenement or otherwise, an owner—
  - (a) having made reasonable efforts to do so, is unable to obtain insurance against a particular prescribed risk; or
  - (b) would be able to obtain such insurance but only at a cost which is unreasonably high,the duty imposed by subsection (1) above shall not require an owner to insure against that particular risk.
- (5) Any owner may by notice in writing request the owner of any other flat in the tenement to produce evidence of—
  - (a) the policy in respect of any contract of insurance which the owner of that other flat is required to have or to effect; and
  - (b) payment of the premium for any such policy,and not later than 14 days after that notice is given the recipient shall produce to the owner giving the notice the evidence requested.
- (6) The duty imposed by subsection (1) above on an owner may be enforced by any other owner.

#### **Commencement Information**

**II** S. 18 in force at 24.1.2007 by S.S.I. 2007/17, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Tenements (Scotland) Act 2004, Cross Heading: Insurance.