



Tenements (Scotland) Act 2004

2004 asp 11

Repairs: costs and access

11 Determination of when an owner's liability for certain costs arises

- (1) An owner is liable for any relevant costs (other than accumulating relevant costs) arising from a scheme decision from the date when the scheme decision to incur those costs is made.
- (2) For the purposes of subsection (1) above, a scheme decision is, in relation to an owner, taken to be made on—
 - (a) where the decision is made at a meeting, the date of the meeting; or
 - (b) in any other case, the date on which notice of the making of the decision is given to the owner.
- (3) An owner is liable for any relevant costs arising from any emergency work from the date on which the work is instructed.
- (4) An owner is liable for any relevant costs of the kind mentioned in rule 4.1(d) of the Tenement Management Scheme from the date of any statutory notice requiring the carrying out of the work to which those costs relate.
- (5) An owner is liable for any accumulating relevant costs (such as the cost of an insurance premium) on a daily basis.
- (6) Except where subsection (1) above applies in relation to the costs, an owner is liable for any relevant costs arising from work instructed by a manager from the date on which the work is instructed.
- (7) An owner is liable in accordance with section 10 of this Act for any relevant costs arising from maintenance carried out by virtue of section 8 of this Act from the date on which the maintenance is completed.
- (8) An owner is liable for any relevant costs other than those to which subsections (1) to (7) above apply from—
 - (a) such date; or
 - (b) the occurrence of such event,as may be stipulated as the date on, or event in, which the costs become due.

- (9) For the purposes of this section and section 12 of this Act, “relevant costs” means, as respects a flat—
- (a) the share of any costs for which the owner is liable by virtue of the management scheme which applies as respects the tenement (except where that management scheme is the development management scheme); and
 - (b) any costs for which the owner is liable by virtue of this Act.
- (10) In this section, “emergency work”, “manager” and “scheme decision” have the same meanings as they have in the Tenement Management Scheme.