Tenements (Scotland) Act 2004

2004 asp 11

Repairs: costs and access

13   Notice of potential liability for costs: further provision

(1) A notice of potential liability for costs—

    (a)   may be registered in relation to a flat only on the application of—

        (i) the owner of the flat;

        (ii) the owner of any other flat in the same tenement; or

        (iii) any manager (within the meaning of the Tenement Management Scheme) of the tenement; and

    (b)   shall not be registered unless it is signed by or on behalf of the applicant.

(2) A notice of potential liability for costs may be registered—

    (a)   in relation to more than one flat in respect of the same maintenance or work; and

    (b)   in relation to any one flat, in respect of different maintenance or work.

(3) A notice of potential liability for costs expires at the end of the period of 3 years beginning with the date of its registration, unless the notice is renewed by being registered again before the end of that period.

(4) This section applies to a renewed notice of potential liability for costs as it applies to any other such notice.

(5) The Keeper of the Registers of Scotland shall not be required to investigate or determine whether the information contained in any notice of potential liability for costs submitted for registration is accurate.

(6) The Scottish Ministers may by order amend schedule 2 to this Act.

(7) In section 12 of the Land Registration (Scotland) Act 1979 (c. 33), in subsection (3) (which specifies losses for which there is no entitlement to be indemnified by the Keeper under that section), after paragraph (p) there shall be added—

    "(q)   the loss arises in consequence of an inaccuracy in any information contained in a notice of potential liability for costs registered in pursuance of—

      (i) section 10(2A)(a) or 10A(3) of the Title Conditions (Scotland) Act 2003 (asp 9); or

    (ii) section 12(3)(a) or 13(3) of the Tenements (Scotland) Act 2004 (asp 11)."