



# Tenements (Scotland) Act 2004

## 2004 asp 11

### *Repairs: costs and access*

#### **12 Liability of owner and successors for certain costs**

- (1) Any owner who is liable for any relevant costs shall not, by virtue only of ceasing to be such an owner, cease to be liable for those costs.
- (2) Subject to subsection (3) below, where a person becomes an owner (any such person being referred to in this section as a “new owner”), that person shall be severally liable with any former owner of the flat for any relevant costs for which the former owner is liable.
- (3) A new owner shall be liable as mentioned in subsection (2) above for relevant costs relating to any maintenance or work (other than local authority work) carried out before the acquisition date only if—
  - (a) notice of the maintenance or work—
    - (i) in, or as near as may be in, the form set out in schedule 2 to this Act; and
    - (ii) containing the information required by the notes for completion set out in that schedule,  
(such a notice being referred to in this section and section 13 of this Act as a “notice of potential liability for costs”) was registered in relation to the new owner’s flat at least 14 days before the acquisition date; and
  - (b) the notice had not expired before the acquisition date.
- (4) In subsection (3) above—

“acquisition date” means the date on which the new owner acquired right to the flat; and

“local authority work” means work carried out by a local authority by virtue of any enactment.
- (5) Where a new owner pays any relevant costs for which a former owner of the flat is liable, the new owner may recover the amount so paid from the former owner.
- (6) This section applies as respects any relevant costs for which an owner becomes liable on or after the day on which this section comes into force.