



# Tenements (Scotland) Act 2004

## 2004 asp 11

### *Liability for certain costs*

#### **24 Liability to non owner for certain damage costs**

(1) Where—

- (a) any part of a tenement is damaged as the result of the fault of any person (that person being in this subsection referred to as “A”); and
- (b) the management scheme which applies as respects the tenement makes provision for the maintenance of that part,

any owner of a flat in the tenement (that owner being in this subsection referred to as “B”) who is required by virtue of that provision to contribute to any extent to the cost of maintenance of the damaged part but who at the time when the damage was done was not an owner of the part shall be treated, for the purpose of determining whether A is liable to B as respects the cost of maintenance arising from the damage, as having been such an owner at that time.

(2) In this section “fault” means any wrongful act, breach of statutory duty or negligent act or omission which gives rise to liability in damages.