



# Tenements (Scotland) Act 2004

## 2004 asp 11

### *Tenement Management Scheme*

#### **[<sup>F1</sup>4A Power of local authority to pay share of scheme costs**

- (1) The local authority for the area in which a tenement is situated may pay a sum representing an owner's share of scheme costs if that owner—
  - (a) is unable or unwilling to do so, or
  - (b) cannot, by reasonable inquiry, be identified or found.
- (2) But a local authority may not pay a sum representing an owner's share of scheme costs which are attributable to a scheme decision mentioned in rule 3.1(e) of the Tenement Management Scheme.
- (3) For the purposes of this section an owner's share of any scheme costs is to be determined in accordance with—
  - (a) the Tenement Management Scheme as it applies to the owner's tenement, or
  - (b) where a tenement burden provides that the entire liability for those scheme costs (in so far as liability for those costs is not to be met by someone other than an owner) is to be met by one or more of the owners, that burden.
- (4) Before making a payment under this section, the local authority must give notice to the owner who has failed to pay a share of any scheme costs.
- (5) The local authority may recover from the owner who failed to pay a share of any scheme costs any—
  - (a) payments made under this section, and
  - (b) administrative expenses incurred by it in connection with the making of the payment.
- (6) This section is without prejudice to any entitlement to recover sums in accordance with section 11 or 12.]

#### **Textual Amendments**

- F1** S. 4A inserted (1.4.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. **85(1)(b)**, 104(3); S.S.I. 2015/122, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Tenements (Scotland) Act 2004, Section 4A.