



# Tenements (Scotland) Act 2004

## 2004 asp 11

### *Support and shelter*

#### **8 Duty to maintain so as to provide support and shelter etc.**

- (1) Subject to subsection (2) below, the owner of any part of a tenement building, being a part that provides, or is intended to provide, support or shelter to any other part, shall maintain the supporting or sheltering part so as to ensure that it provides support or shelter.
- (2) An owner shall not by virtue of subsection (1) above be obliged to maintain any part of a tenement building if it would not be reasonable to do so, having regard to all the circumstances (and including, in particular, the age of the tenement building, its condition and the likely cost of any maintenance).
- (3) The duty imposed by subsection (1) above on an owner of a part of a tenement building may be enforced by any other such owner who is, or would be, directly affected by any breach of the duty.
- (4) Where two or more persons own any such part of a tenement building as is referred to in subsection (1) above in common, any of them may, without the need for the agreement of the others, do anything that is necessary for the purpose of complying with the duty imposed by that subsection.

#### **Commencement Information**

**II** S. 8 in force at 28.11.2004 by [S.S.I. 2004/487](#), [art. 2\(1\)\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Tenements (Scotland) Act 2004, Section 8.