

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe services for which an owner of a flat is entitled to lead through, and fix to, common parts of a tenement pipes, cables or other equipment in accordance with section 19 of the Tenements (Scotland) Act 2004 (“the 2004 Act”). They also set out the procedure for exercising those installation rights.

Regulation 3 provides that these services are heating supplied by a district heat network and communal heating (both of which are defined in regulation 2). These Regulations only apply where the title conditions do not make provision about whether equivalent works are allowed, e.g. for alterations or improvements, or where the development management scheme applies under section 71 of the Title Conditions (Scotland) Act 2003 (see [S.I. 2009/729](#)).

Regulation 4 requires notice of an installation to be provided in the form contained in schedule 1.

Regulation 5 provides for objections and representations in relation to notice of a proposed installation. This includes requirements as to revised notices, which must be provided in the form contained in schedule 2.

Regulation 6 sets out when work may begin on an installation, and when an application can be made to the sheriff for resolving disputes.

Regulation 7 provides that these Regulations do not make other owners in the tenement liable for the costs of such installations.

Regulation 8 requires the owner exercising installation rights under these Regulations to reinstate the premises as far as possible to the condition they were in prior to the work being undertaken and reimburse the cost of repairing any damage done.

Where section 17 of the 2004 Act does not apply, regulation 9 provides for the avoidance of doubt for access to be required to be provided to common parts of the tenement for the purpose of an installation.

Where any notice is required to be given under the Act or these Regulations, the requirements of section 30 of the 2004 Act (giving notice to owners) apply.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Family and Property Law Team, Scottish Government, St Andrew’s House, Regent Road, Edinburgh, EH1 3DG and online at [www.legislation.gov.uk](http://www.legislation.gov.uk).