



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 1

#### HOUSING STANDARDS

#### CHAPTER 6

#### MAINTENANCE

#### *Maintenance plans*

#### **45 Maintenance plans for two or more houses: further provision**

- (1) A maintenance order which relates to two or more houses may require the maintenance plan to make provision for securing the maintenance of any part of the premises concerned which some but not all of the owners required to prepare the plan—
  - (a) own, or
  - (b) have a responsibility to maintain by virtue of a real burden or otherwise.
- (2) But a maintenance plan prepared in pursuance of such a maintenance order may not—
  - (a) require the owner of any house to which the plan relates to do anything in relation to any part of the premises concerned which that owner does not own or have a responsibility to maintain by virtue of a real burden or otherwise, or
  - (b) despite section 44(2) and (3)(a), apportion responsibility for maintaining any part of the premises concerned or liability for the costs of such maintenance in a way which conflicts with—
    - (i) any real burdens encumbering the houses concerned,
    - (ii) the development management scheme in so far as it applies to those houses or any decision made under that scheme, or
    - (iii) the tenement management scheme in so far as it applies to those houses or any decision made under that scheme.