



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART VIII

#### BUILDINGS, ETC.

#### 90 Lighting of common stairs etc.

(1) In this section—

“common property” means common stairs or passages or private courts;

“owner”, in relation to common property, means the owner or owners of lands or premises having a right of access by the common property;

“private court” means any area which—

- (a) is maintained or liable to be maintained by a person other than a local authority; and
- (b) forms a common access to lands or premises separately occupied.

(2) A [<sup>F1</sup>local authority] may—

- (a) provide and maintain lighting in common property; and
- (b) light and extinguish the lights in the common property or arrange for that to be done.

(3) A [<sup>F1</sup>local authority] may continue to provide and maintain lighting in any place where they provided and maintained it immediately before the commencement of subsection (2) above notwithstanding that the place is not common property.

(4) Where, and to the extent that, the [<sup>F1</sup>local authority] for the area in which any common property is situated has not exercised the powers conferred upon them by subsection (2) above, it shall be the duty of the owner—

- (a) to provide and maintain lighting in the common property to the satisfaction of the [<sup>F1</sup>local authority]; and
- (b) to light and extinguish the lights in the common property at such times as the [<sup>F1</sup>local authority] may require by order published in accordance with subsection (6) below.

*Changes to legislation: Civic Government (Scotland) Act 1982, Section 90 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) A [F1local authority] may by notice in writing require the owner to comply with subsection (4)(a) above within 14 days of the date of service of the notice on the owner.
- (6) An order made under subsection (4)(b) above shall be published once weekly for at least two weeks in a newspaper circulating in the area of the [local authority].
- (7) In the event of the owner's failing to comply with subsection (4) above, the [F1local authority] may provide and maintain lighting or, as the case may be, light and extinguish the lights in the common property.
- (8) An authorised officer of the [F1local authority] shall be entitled at any reasonable time to enter common property for the purpose of determining whether subsection (4) above is being complied with and a person authorised to do so by such a [F1 authority] shall be entitled at any reasonable time to enter such property and to do there anything which the [F1local authority] are entitled to do under subsection (2), (3) or (7) above.
- [F2(9) A [F1local authority] who have, under subsection (2), (3) or (7) above, provided or maintained lighting or lit or extinguished lights shall be entitled to recover—
- (a) from the owner of the lands or premises the expense incurred by the [F1 authority]; or
  - (b) where there is more than one owner of the lands or premises, that is, where the lands or premises are common property, from each owner such proportion of the expense thereby incurred by the council as the council may determine, but the authority may remit any sum or part of any sum due to them under this subsection.]

#### Textual Amendments

**F1** Words in s. 90(2)-(9) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 129(9)**; S.I. 1996/323, **art. 4(1)(c)**

**F2** S. 90(9) substituted by **Abolition of Domestic Rates Etc. (Scotland) Act 1987** (c. 47, SIF 81:2, 103:2), s. 6, **Sch. 1 Pt. III para. 39**

**Changes to legislation:**

Civic Government (Scotland) Act 1982, Section 90 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)