



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART VIII

BUILDINGS, ETC.

95 Private open spaces.

- (1) It shall be the duty of the owner of every open space which is—
 - (a) in a populous place; and
 - (b) set apart for use by the owners or occupiers of two or more separate properties, to maintain the open space and any boundary walls or fences so as to prevent danger or nuisance to the public.
- (2) A [^{F1}local authority] may by notice in writing require the owner of an open space referred to in subsection (1) above to comply with that subsection within such reasonable time as may be specified in the notice.
- (3) An owner of an open space referred to in subsection (1) above shall be entitled to recover from each person entitled to use the open space an equal proportion of—
 - (a) the expense incurred by the owner in complying with that subsection; and
 - (b) any amount paid by the owner to the [^{F1}local authority] under section 99(4) of this Act.

Textual Amendments

- F1** Words in s. 95(2)(3)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 129(13)**; S.I. 1996/323, **art. 4(1)(c)**

Changes to legislation:

Civic Government (Scotland) Act 1982, Section 95 is up to date with all changes known to be in force on or before 17 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- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)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\(1\)\(b\)](#)