



Building (Scotland) Act 2003

2003 asp 8

PART 5

GENERAL

Execution of work

44 Expenses

- (1) Subsection (2) applies where a local authority serves on a person a demand for payment of expenses incurred by the authority in carrying out work in relation to a building under section 25(7)(b), 26(3)(b), 27(7)(b), 28(10)(b), 29(2) or (3) or 30(4)(b).
- (2) If the person proves—
 - (a) that the person has no interest in the building except in the capacity of a trustee, tutor, curator, guardian, judicial factor or liquidator of a company, and
 - (b) that the total amount of the funds, rents and other assets in the person's hands in that capacity since the date of the service of the demand is insufficient to discharge the whole demand,the person's liability is limited to that total amount.
- (3) If a person alleges that expenses incurred or to be incurred in complying with a building regulations compliance notice, a continuing requirement enforcement notice, a building warrant enforcement notice, a defective building notice or a dangerous building notice should be borne to any extent by any other person having an interest in the building, the person may, by summary application, apply to the sheriff.
- (4) On such an application the sheriff may make such order as the sheriff thinks fit having regard to all the circumstances, including any contract between the parties.
- (5) The decision of the sheriff on an application under subsection (3) is final.