



Housing (Scotland) Act 2006

2006 asp 1

PART 7

REPAYMENT CHARGES

172 Repayment charges

- (1) A local authority entitled to recover a sum under section 59(1) or (2) or paragraph 6(1) of schedule 5 may make in favour of itself a charge (a “repayment charge”)—
 - (a) specifying the repayable amount and the living accommodation concerned, and
 - (b) providing that the living accommodation concerned is charged with the repayable amount.
- (2) The repayable amount is the lowest of—
 - (a) the amount recoverable under section 59(1) or (2) or paragraph 6(1) of schedule 5,
 - (b) any lower amount determined by the local authority, and
 - (c) any amount which the Scottish Ministers by order prescribe as the maximum repayable amount.
- (3) The repayable amount is recoverable in 30 equal annual instalments payable on the same date (specified in the charge) in each calendar year.
- (4) The local authority must register a repayment charge in the appropriate land register.
- (5) The owner of, or any other person interested in, any living accommodation subject to a repayment charge may at any time redeem the repayable amount early by paying to the local authority—
 - (a) such sum as the owner or other person may agree with the local authority, or
 - (b) failing such agreement, such sum as the Scottish Ministers may determine.
- (6) The local authority must, on receiving—
 - (a) payment of the repayable amount in accordance with the repayment charge, or
 - (b) a sum redeeming the repayable amount under subsection (5),register a discharge of the repayment charge in the appropriate land register.

Status: This is the original version (as it was originally enacted).

- (7) Where a repayment charge is made in respect of expenses incurred by a local authority in demolishing a house, references in this section and in section 173 to living accommodation are to be read as references to the site of the demolished house.
- (8) This section does not apply in relation to—
- (a) the recovery of sums under section 59(2) from a landlord who is not the owner of the living accommodation concerned,
 - (b) living accommodation which is not a building.