



Housing (Scotland) Act 2014

2014 asp 14

PART 6 **S**

PRIVATE HOUSING CONDITIONS

92 Charging orders **S**

- (1) In Schedule 9 to the 1987 Act (recovery of expenses by charging order)—
- (a) in paragraph 2, the words “, and shall commence from the date of the order and be payable for a term of 30 years to the local authority” are repealed,
 - (b) after paragraph 2, insert—

“2A

The local authority must—

- (a) determine—
 - (i) the term of the charging order, being no fewer than 5 years and no more than 30 years, and
 - (ii) the date in each year on which the annuity is payable, and
- (b) notify the owner of its determination under paragraph (a).

2B

Section 187 of the Housing (Scotland) Act 2006 (asp 1) applies to a notification under paragraph 2A(b) as if the notification were a formal communication referred to in section 187(1) of that Act.” , and

- (c) after paragraph 3, insert—

“3A

A charging order must provide—

- (a) that the annuity is payable for the term and on the date in each year determined under paragraph 2A(a),
- (b) that in default of payment of an annuity, the annuity is to be separately recoverable as a debt, and
- (c) that if immediately after the final annuity falls due any balance of the expenses charged by the order remains unpaid, that

Changes to legislation: Housing (Scotland) Act 2014, Section 92 is up to date with all changes known to be in force on or before 21 July 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

balance is immediately due for repayment and is recoverable as a debt.

3B (1) A person aggrieved by a determination under paragraph 2A(a)(i), may appeal to the sheriff.

(2) On an appeal under this paragraph the sheriff may make such order relating to the term of the charging order as the sheriff thinks fit.

(3) The decision of the sheriff on appeal under this paragraph is final.”,

(d) in paragraph 4, sub-paragraph (b)(i) is repealed,

(e) after paragraph 5, insert—

“5A

The owner of the premises on which an annuity has been charged by a charging order does not, by virtue only of ceasing to be such an owner, cease to be liable for each annuity charged.”, and

(f) paragraph 6 is repealed.

(2) In section 108(2) of the Civic Government (Scotland) Act 1982 (c.45) (recovery of expenses by charging order), for the words from “modifications” to “paragraph” in the last place where it appears substitute “modification, that is to say, in sub-paragraph (b) (ii) of paragraph 4 of that Schedule ”.

(3) In section 19(3) of the Crofters (Scotland) Act 1993 (c.44) (priority of sums due), the words “heads (i), (ii) and (iii) of” are repealed.

Commencement Information

II S. 92 in force at 1.4.2015 by S.S.I. 2015/122, art. 2(1)(2)(f)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2016/412, art. 3(1) (a) by [S.S.I. 2017/330 art. 2](#)
- specified provision(s) amendment to earlier commencing SSI 2015/272 Sch. by [S.S.I. 2015/349 art. 2\(2\)](#)