

2007 No. 419

HOUSING

The Housing (Scotland) Act 2006 (Repayment Charge and Discharge) Order 2007

<i>Made</i>	- - - -	<i>6th September 2007</i>
<i>Laid before the Scottish Parliament</i>		<i>7th September 2007</i>
<i>Coming into force</i>	- -	<i>8th October 2007</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 174 of the Housing (Scotland) Act 2006(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Housing (Scotland) Act 2006 (Repayment Charge and Discharge) Order 2007 and comes into force on 8th October 2007.

Form of repayment charge and discharge

2. A repayment charge must be in the form set out in Schedule 1 or as close to it as circumstances permit.

3. A discharge of a repayment charge must be in the form set out in Schedule 2 or as close to it as circumstances permit.

S MAXWELL
A member of the Scottish Executive

St Andrew's House,
Edinburgh
6th September 2007

SCHEDULE 1

Article 2

Form of Repayment Charge

THE HOUSING (SCOTLAND) ACT 2006

REPAYMENT CHARGE

We ¹....., in exercise of the power conferred on us by section 172 of the Housing (Scotland) Act 2006, CHARGE the subjects described in the schedule with a repayable amount of ²..... sterling, payable in thirty equal annual instalments of ³....., the first instalment being payable on ⁴..... in 20..... and subsequent instalments on the same date in every succeeding calendar year. IN WITNESS WHEREOF ⁵

SCHEDULE

DESCRIPTION OF SUBJECTS⁶

Notes for guidance

- ¹ Insert the name and address of the local authority.
- ² Insert in words the repayment amount.
- ³ Insert the amount of the annual instalment.
- ⁴ Insert a date after the making of the charge for the first instalment to be paid.
- ⁵ The deed should be executed here and at the end of the Schedule.
- ⁶ Insert a full description of the subjects by reference to the postal address and, as appropriate, either
 - (a) a competent conveyancing description to enable recording in the General Register of Sasines, or
 - (b) the registered title number to enable registration in the Land Register.

SCHEDULE 2

Article 3

Form of Discharge of Repayment Charge

THE HOUSING (SCOTLAND) ACT 2006

DISCHARGE OF REPAYMENT CHARGE

We ¹....., DISCHARGE the Repayment Charge made by us on ²..... over the subjects ³..... and [either] ⁴ registered in the Land Register under Title Number ⁵..... on ⁶..... [or] ⁴ recorded in the Division of the General Register of Sasines for the County of ⁷..... on ⁸..... IN WITNESS WHEREOF

Notes for guidance

- 1 Insert the name and address of the local authority.
- 2 Insert the date of execution of the original Repayment Charge.
- 3 Insert postal address of subjects.
- 4 Delete as appropriate.
- 5 Insert Title Number in Land Register.
- 6 Insert date of registration of Repayment Charge.
- 7 Insert name of County in the General Register of Sasines.
- 8 Insert date of recording of Repayment Charge in the General Register of Sasines.

EXPLANATORY NOTE

(This note is not part of the Order)

The Schedules to this Order set out the form of a repayment charge and the form of a discharge of a repayment charge which can be made by a local authority under Part 7 of the Housing (Scotland) Act 2006.

A local authority is entitled to make a repayment charge to recover a sum under section 59(1) or (2) of, or paragraph 6(1) of schedule 5 to that Act.

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