



Housing (Scotland) Act 2006

2006 asp 1

PART 2

SCHEME OF ASSISTANCE FOR HOUSING PURPOSES

Grants and loans: conditions

85 Discharge of conditions

- (1) At any time when the conditions mentioned in section 83 require to be complied with in relation to any land or premises, the owner or a creditor in a standard security with a right to sell may pay to the local authority the sum which would be payable by virtue of section 86 in the event of a breach of those conditions.
- (2) The reference in subsection (1) to a “right to sell” is a reference to the right of the creditor to sell the land or premises under—
 - (a) section 20(2) or 23(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35), or
 - (b) a warrant granted under section 24(1) of that Act.
- (3) On the making of the payment observance of those conditions ceases to be required.
- (4) Where, following a breach of any of those conditions, the local authority demands payment under section 86(1), observance of the conditions mentioned in section 83 ceases to be required.
- (5) On the making of a payment referred to in subsection (3) or a demand for payment referred to in subsection (4) the authority must—
 - (a) if a notice was registered under subsection (1) of section 84, register a further notice in the appropriate land register,
 - (b) if a written record was kept under subsection (3) of that section, amend that record,specifying that observance of the conditions is no longer required.
- (6) The owner for the time being of the land or premises must pay to the local authority the amount of the expenses of registering the notice under subsection (5).

Status: This is the original version (as it was originally enacted).

- (7) A sum paid under subsection (1) by a creditor in a standard security forms part of the sum secured by the standard security.