

*These notes relate to the Buildings (Recovery of Expenses) (Scotland)
Act 2014 (asp 13) which received Royal Assent on 24 July 2014*

BUILDINGS (RECOVERY OF EXPENSES) (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Section 1(b) - charging orders

46E – Registration

27. Section 46E provides for charging orders and discharges to be registered. In particular it sets out the local authority's obligations in regard to registration in the "appropriate land register" (subsections (1) and (5)), and the effect of registration (subsections (3), (4) and (6)). It also clarifies (in subsection (2)) that a charging order can be registered during the 21 day period in which an appeal may be brought or, where such an appeal is brought, at any time before the appeal is withdrawn or finally determined. While under section 46E(4) a registered charging order can be enforced by the local authority against the owner of the charged building, that general position is subject to section 46F.