



# Housing (Scotland) Act 2014

## 2014 asp 14

### PART 6

#### PRIVATE HOUSING CONDITIONS

#### **86 Notice of potential liability for costs: notice of discharge**

- (1) In section 10A of the Title Conditions (Scotland) Act 2003 (asp 9) (notice of potential liability for costs: further provision), after subsection (3) insert—

“(3A) The owner of a burdened property may apply to register a notice (a “notice of discharge”) if—

- (a) a notice of potential liability for costs in relation to the property has not expired,
- (b) the liability for costs under section 10(2) to which the notice of potential liability relates has, in relation to the property which is the subject of the application, been fully discharged, and
- (c) the person who registered the notice of potential liability for costs consents to the application.

(3B) A notice of discharge—

- (a) must be in the form prescribed by order made by the Scottish Ministers, and
- (b) on being registered, discharges the notice of potential liability for costs as it applies to the property which is the subject of the application.”.

- (2) In the Tenements (Scotland) Act 2004—

- (a) in section 13 (notice of potential liability for costs: further provision), after subsection (3) insert—

“(3A) The owner of a flat may apply to register a notice (a “notice of discharge”) if—

- (a) a notice of potential liability for costs in relation to the flat has not expired,

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**Changes to legislation:** Housing (Scotland) Act 2014, Section 86 is up to date with all changes known to be in force on or before 26 May 2023. 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

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- (b) the liability for costs under section 12(2) to which the notice of potential liability relates has, in relation to the flat which is the subject of the application, been fully discharged, and
  - (c) the person who registered the notice of potential liability for costs consents to the application.
- (3B) A notice of discharge—
- (a) must be in the form prescribed by order made by the Scottish Ministers, and
  - (b) on being registered, discharges the notice of potential liability for costs as it applies to the flat which is the subject of the application.”, and
- (b) in section 29(1) (interpretation), in the definition of “register” after “costs” insert “ , a notice of discharge ”.

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**Commencement Information**

- I1** S. 86(1) in force at 13.11.2014 for specified purposes, 16.12.2014 in so far as not already in force by [S.S.I. 2014/264, art. 2, Sch.](#)
- I2** S. 86(2) in force at 13.11.2014 for specified purposes, 16.12.2014 in so far as not already in force by [S.S.I. 2014/264, art. 2, Sch.](#)

**Changes to legislation:**

Housing (Scotland) Act 2014, Section 86 is up to date with all changes known to be in force on or before 26 May 2023. 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.

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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\(2\)](#)