
EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the form of notices of discharge in respect of notices of potential liability for costs under the Title Conditions (Scotland) Act 2003 (“the 2003 Act”) and the Tenements (Scotland) Act 2004 (“the 2004 Act”).

A notice of potential liability for costs may be registered against a property in accordance with section 10(2A) of the 2003 Act or section 12(3) of the 2004 Act, with the effect that an incoming owner of that property may be liable for outstanding costs relating to certain maintenance or work. The notice of potential liability expires after three years, unless it is renewed.

Section 10A(3A) of the 2003 Act and section 13(3A) of the 2004 Act, as inserted by section 86 of the Housing (Scotland) Act 2014, provide that an unexpired notice of potential liability for costs may be discharged if the liability to which it relates has been discharged and the person who registered it consents. The form of a notice of discharge is set out in Schedule 1 (in respect of the 2003 Act) and Schedule 2 (in respect of the 2004 Act).