

# Building (Scotland) Act 2003

## 2003 asp 8

### PART 5

#### GENERAL

##### *Execution of work*

#### **44 Expenses**

- (1) Subsection (2) applies where a local authority serves on a person a demand for payment of expenses incurred by the authority in carrying out work in relation to a building under section 25(7)(b), 26(3)(b), 27(7)(b), 28(10)(b), 29(2) or (3) or 30(4)(b) [<sup>F1</sup>or makes a charging order under section 46A].
- (2) If the person proves—
  - (a) that the person has no interest in the building except in the capacity of a trustee, tutor, curator, guardian, judicial factor or liquidator of a company, and
  - (b) that the total amount of the funds, rents and other assets in the person's hands in that capacity since the date of the service of the demand is insufficient to discharge the whole demand [<sup>F2</sup> or the whole of the repayable amount due under the charging order ],the person's liability is limited to that total amount.
- (3) If a person alleges that expenses incurred or to be incurred in complying with a building regulations compliance notice, a continuing requirement enforcement notice, a building warrant enforcement notice, a defective building notice or a dangerous building notice should be borne to any extent by any other person having an interest in the building, the person may, by summary application, apply to the sheriff.
- (4) On such an application the sheriff may make such order as the sheriff thinks fit having regard to all the circumstances, including any contract between the parties.
- (5) The decision of the sheriff on an application under subsection (3) is final.

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*Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 44. (See end of Document for details)*

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#### **Textual Amendments**

- F1** Words in s. 44(1) inserted (24.1.2015) by [Buildings \(Recovery of Expenses\) \(Scotland\) Act 2014 \(asp 13\)](#), **ss. 1(a)(i)**, 3(2)
- F2** Words in s. 44(2)(b) inserted (24.1.2015) by [Buildings \(Recovery of Expenses\) \(Scotland\) Act 2014 \(asp 13\)](#), **ss. 1(a)(ii)**, 3(2)

#### **Commencement Information**

- I1** S. 44 in force at 1.5.2005 by [S.S.I. 2004/404](#) , **art. 2(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 44.