



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).

Changes to legislation: Housing (Scotland) Act 2006, Section 85 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](#)

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

Commencement Information

I1 [S. 85](#) in force at 1.4.2009 by [S.S.I. 2009/122](#), [art. 3](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(1)(i)(j)(k) inserted by [S.S.I. 2019/61 reg. 3\(2\)\(d\)](#)