

*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

46C – Repayable amount

21. Section 46C(1) provides that the repayable amount under a charging order is the lower of the two amounts set out at paragraphs (a) and (b) of section 46C(1). That is, (a) the total of the qualifying expenses (as defined in section 46B(1) as the expenses incurred by the local authority in carrying out works) together with any additional amounts recoverable under section 46C(2)); or (b) such amount as the local authority determines.
22. In addition to the qualifying expenses, local authorities may also recover other costs from the owner, as set out at section 46C(2). These cover registration fees for charging orders and discharges, administrative or other expenses incurred in that connection, and interest. The rate of interest can be varied, but must be reasonable.
23. Section 46C(3)(a) requires local authorities to determine the number of annual instalments in which the repayable amount is to be paid, which must be no fewer than 5 and no more than 30. Paragraph (b) provides that local authorities must also specify the date on which annual instalments are due.